

## **BOARD OF MAYOR AND ALDERMEN**

**September 6, 2005**

**7:30 PM**

Mayor Baines called the meeting to order.

The Clerk called the roll. There were fourteen Aldermen present.

Present: Aldermen Roy, Gatsas, Guinta, Sysyn, Osborne, Porter, O'Neil,  
Lopez, Shea, DeVries, Garrity, Smith, Thibault and Forest

Mayor Baines stated before we begin the meeting this evening I have a couple of comments and announcements. This afternoon at three o'clock we had a press conference at Manchester Airport to announce and I'm going to read from the announcement made this afternoon: Louis Armstrong International Airport in New Orleans was heavily damaged by Hurricane Katrina and still remains closed to commercial traffic. Three Manchester Airport employees have volunteered to travel to Louisiana to assist in reconstruction efforts at the airport and are preparing to leave today...they actually left on a flight at 3:50 this afternoon on Southwest Airlines...Airport Technicians Scott Brown and Wayne Philibert and Airport Electrician Mark Moquin are scheduled to leave as I said today and they did. Each of these three offer extensive experience in all aspects of airfield operations, heavy equipment operation and FAA/TSA regulations. On behalf of the citizens of Manchester and the Board of Mayor and Aldermen I was able to offer them my congratulations today and hope for their personal safety and offered them as many of the blessings that any of us as a community can bestow upon and thank their families for the sacrifice that's being made. Also, on Sunday nine Manchester firefighters departed to go down south to assist as well and Chief Kane and I met with the firefighters on Friday and again these are very determined and dedicated men as the three volunteers from Manchester Airport. We realize the sacrifices that they're making, they recognize that there's risk in what they do, they did talk about the support that they are having from their family and friends and I know that all of us join with them in recognizing their call through service at this very critical time and need for America. Also, over the past week or so Chief Kane and I have been meeting to assure that Manchester's emergency response plans are well positioned to respond to a national emergency. I'm here to assure you this evening and the citizens of Manchester that we truly are prepared.

However, in light of what happened in New Orleans and Mississippi and Louisiana I'm sure that they felt that they were prepared as well. The Chief is conducting and we will be conducting a review with our Emergency Operations Center staff to ensure that Manchester truly is prepared in view of what happened in the south, but I can assure you that we are committed to ensuring that Manchester is prepared as possible in this regard. Today, over the course of almost the entire day we have been working with Governor Lynch's office

because many of you may know that 500 evacuees...I prefer to call them evacuees...are going to be coming to New Hampshire and I think that's going to be occurring Friday...the last that we heard. Chief Kane has been in contact with FEMA and the Emergency Management Office and everyone that's involved in the relocation of these evacuees. We as a city must put ourselves in a position to respond to this national crisis and as Mayor and on behalf of all of you we're going to make that commitment. I said this morning that we're prepared to do what we have to do as Americans...let me repeat that...we are prepared to do what we have to do as Americans. You can imagine what we would be depending upon if something would happen here...we would want people to come to our assistance as well. So, in that regard we have been in contact with the Manchester Housing and Redevelopment Authority in regard to available housing as well as the Manchester Neighborhood Housing Services, Catholic Diocese...the faith community...the Convention and Visitors Bureau related to hotel situations that might become available in an emergency situation and we're also reaching out to the private sector as well in terms of the availability of suitable housing for people who may be transitioning here to Manchester...some on a temporary, short-term or long-term basis and there could be some that are going to be taking up permanent residence as well. We also began reaching out to the School District, the Welfare office and other agencies that are going to be involved with us over the next several days and weeks and months and perhaps year ahead. We are committed to doing whatever we need to do to help in this very dire situation. We may be calling upon members of the Board of Mayor and Aldermen to assist us from time-to-time as this thing evolves over time. It's one of those events that's going to change from day-to-day, week-to-week and moment-to-moment...an evolving situation...we just do not know and if you've been watching the accounts that I've been watching on TV and just recently I saw one...the conditions of the Superdome and the squalor in which people were living and the unbearable circumstances that have been brought upon our fellow Americans. Manchester and the communities across our state have to step up and say we can help...that's what we're prepared to do on your behalf and again as events unfold and if we need to reconvene you as a Board to discuss or work with state officials we will do so. Shortly, we'll be opening our Emergency Operations Center...as you know the Mayor chairs that...working with the various officials involved in city government and connecting with the Emergency Operations Center at the state to ensure number one that we are prepared in the event of an emergency and we're also prepared to do everything we need to do to welcome these people and help them with this very difficult transition. We hope that we can provide them with facilities that are family-focused, that they can be connected with their families and put in traditional type housing, we've done a preliminary inventory of the stock that may be available and there may be anywhere up to 50 to 70 units...right, Michael, the last we stopped on working this prior to coming to this meeting this evening. The Chief is here this evening, Kevin Dillon is here...if you would like to hear from any of them right now or during the meeting I'd be most pleased to do that. Does anybody have any questions for either Kevin or Joe.

Alderman Guinta stated I just had a question. Would it be appropriate to take up the note that I sent?

Mayor Baines replied I think that it would be and I appreciate you bringing that forward as well. As you know we've been working since this catastrophe unfolded with The American Red Cross...they're very much a part of what we're doing here but there are many other worthwhile organizations in our community. Seth and I visited one down at Morgan Storage and the people at Morgan Storage with their faith-based initiative in sending off equipment...right now, in other parts of the world they're also talking about responding to Hurricane Katrina and Alderman Guinta has come forward with a proposal with The Salvation Army so I would like him to present that to the Board right now.

Alderman Guinta stated I think it's a wonderful representation of the city what Kevin and the Chief have already done regarding not only the evacuees but the people in that part of the country. I had an opportunity to speak with The Salvation Army today Major Joyce Hartshorn. We talked a little bit about something that I think the Manchester citizens could do and it would require Board of Mayor and Aldermen vote and approval...it would be to authorize a donation table at each of the polling locations this September 20<sup>th</sup>. The Salvation Army would also participate in facilitating the donation process. We'd have to work out who volunteers (city employees) who would be receiving the donations and bringing them over to The Salvation Army. They anticipate not only being able to take money donations now but by the time September 20<sup>th</sup> comes along food and clothing. I don't know if that's a vote we can take now procedurally or if that's a vote we would take later. But, if we can make it I would like to make that motion.

Mayor Baines called upon City Clerk Bernier.

City Clerk Bernier replied my suggestion would be a vote from this Board and I will work with The Salvation Army...our office has been involved with The Salvation Army Kettle program so there is already a system in place. So, if it is the wish of the Board I would be more than happy to complete the task that is going to be assigned to us from the Board.

Alderman Forest duly seconded the motion.

Mayor Baines stated the only this is that I would be very careful on clothing and other materials because what we're hearing it's money right now...that's something that we can work out.

Alderman Guinta stated I don't know if we could maybe...there are certain needs that the evacuees are going to...one of the issues was warm clothing because they're not coming up here...

Mayor Baines stated Leo will work it out with them.

Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

Mayor Baines stated once again we're reminding the citizens at home that the number one need is money. As you know, we had a telethon last week that I participated in as well as Governor Lynch and many other community members...some people stayed there for three or four hours taking phone calls and by the way it was some of the hardest work you can do because you could just barely put the phone down, it was ringing and people were telling me they'd been trying to get through for half-an-hour to 45 minutes and they raised over \$1 million and a real thank you goes out to WMUR TV Channel 9 for making their airwaves available and it was an honor to participate...we encourage people to make donations to organizations like The Salvation Army, The American Red Cross and other initiatives that are out there to make sure that they're legitimate and to make sure that the money and the other things get to the people most in need. Thank you for the opportunity to present that this evening.

**3. Recognition of contributors to the Manchester Art Fund.**

Mayor Baines stated I like to have Peter Ramsey and members of the Art Commission and I think Georgie is here tonight...Georgie the Mayor's Special Assistant for the Arts.

Mayor Baines stated a great thank you to WZID and their sister station that also broadcast the drive as well.



Mrs. Georgie Reagan stated we're going to ask you to give them to the recipients as they approach the deus here and I thank the Board of Mayor and Aldermen for the time and the opportunity to be able to thank the guests who we find very important and certainly this is a different quality of life than the Mayor was just addressing but nevertheless it is important to the quality of life. So, what we're doing here tonight is honoring people who have contributed to the Manchester Art Fund. If there is anyone who doesn't know what that it is it is a non-lapsing fund designated specifically for public art in the City of Manchester and everybody is welcomed to be a contributor and we're honoring tonight particular people in the categories of sponsors and exhibitors and artists and we're going to start off with some firsts this evening. This is the anniversary of our very first contribution to the Art Fund and we are now boasting a total of \$11,199. I'm glad you applauded because I thought it was good. And, one of the major contributors to that is the Manchester Artist's Association...that is a huge responsibility for us. They are the permanent renters at the McIninch Family Gallery at the Carol M. Rines Center now owned by the City, formerly

owned by Notre Dame College. So, what we're celebrating here tonight they are our largest contributor, they're wonderful to work with and this is their first anniversary at the Carol M. Rines Center and we would like to have Nancy Johnson, the Volunteer Coordinator and Brenda Wilbert who is the new President of MAA...please come forward and we'd like Mayor Baines to give you your certificates. Nancy I think said may I have a minute to say a few words, so she is the only one who is going to be allowed to speak because we know how short the agenda is.

Ms. Nancy Johnson stated first I'd like to thank all of you for making it possible for us to have that gallery. We thank you for your support and we look for your continued support. We're going to be celebrating our first anniversary on the 22<sup>nd</sup> of September from 5:00 until 8:00 which coincides with Trolley Night, so we are inviting all of you Aldermen and your constituencies to please come...

Mayor Baines interjected and all of the people watching at home.

Ms. Johnson reiterated yes all of the people watching at home please come to the gallery...1528 Elm Street across from Pappy's Pizza and we would love you all to come and see how beautiful everything is, come and enjoy it and purchase. Thank you.

Mrs. Reagan stated Scott Dolan who is not here is a writer and photographer with *The Union Leader* and was one of the sponsors...I'm now reading the sponsors of the art exhibits that you will see downstairs...Hayden Edwards of Tracy Edwards O'Neil, Principal and Chief Creative Officer...I don't see him here either...Mary Wood as CEO of West Bridge Community Services and they sponsored a way to better living and Citizens Bank...we have our good friends Lynn Gelinas who is Vice President and Terry Connors, Officer at Citizens Bank...please do come forward and we'd ask if you'd stay here and do a photo after. Under the exhibitors category if I may move quickly...Linda Elliott...this was a personal contribution from her thanking Citizens Bank for supporting her...Les Balor is Executive Director of the NH Historic Society and they did the Louis Hines collection that was in the gallery before at the end of August. Also, President of Good Brain Academy is Crystal Nadeau who also planned to be here tonight and we're sorry that they're not here but our thanks our nonetheless sincere and I don't think there's very much that they do that affects more people more positively than their contribution to the Art Fund. So, we thank all of you...Linda Pearson I hope that she is in the audience and anyone who is not here this evening we will certainly mail their certificates to them...James Cassidy fell in love with an historic picture in the connector that was owned by Doug McIninch and just because he's such a nice person he made a contribution to the Art Fund. Now, Janet and Walter Stiles please come up and accept your certificate. Janet was founder of Way to Better Living and she and Walter do everything for the community. I'm not sure if Michael Roy is here but Michael Roy who is the great grandson of Dr. Damase Caron and he was a former Mayor of Manchester from 1932 to 42 and he just desperately wanted his picture and for that service

he made a contribution. So, I thank you all so very much. Thank you for your contributions, we're very proud of the Art Fund and we're very proud of you for participating and we hope that others will feel free to join you. Thank you all again. Thank you the Board of Mayor and Aldermen.

Mayor Baines called upon Christine Pariseau to come up and talk about the Fall Charity Festival.

4. Announcement by Peter Telge of the Fall Charity Festival scheduled for Saturday, September 24, 2005 at Arms Park to benefit the Special Olympics, Kristen's Gift, Make-A-Wish Foundation and the Alzheimer's Association.

Ms. Christine Pariseau-Telge my husband (Peter) and I own Milly's Tavern, which is located down in the Millyard and as the Mayor said we are having our Charity Fest on September 24, 2005...this is our second annual Charity Fest...we were able to raise over \$4,000 last year for four local charities and we're hoping to make some more money this year. Non-profit organizations that will be benefiting from our Charity Fest...Manchester Boys and Girls Club is going to benefit this year, Kristen's Gift which is part of Children's Hospital at Dartmouth, NH Special Olympics and the NH Make-A-Wish Foundation. We're also hoping with the current tragedy in the Gulf coast region to include victims of Hurricane Katrina on our list that day. We are hoping to do a drop off also for The Salvation Army for warm cloths...cloths donations that some Manchester residents are able to give, unable to give financially. September 24<sup>th</sup>...we'll start off with a motorcycle and car ride up to the Lakes Region. We also have a sanctioned 5K road race that uses an old favorite Millyard course...during the day there will be lots of family activities...we have a climbing wall, tae kwon do exhibits, children's ID kits, football and basketball tosses and a bike and car show. Local restaurants have donated their time and a variety of food that will be for sale that day...there will be some local farmers with their fall goods and we'll also have live music. The Manchester Police Department and Fire Department will be participating as well as our local sports teams and their mascots. Our day will conclude with a fireworks celebration over the City of Manchester. We'd like to thank all of our sponsors from last year who all have rejoined us again this year but we are currently looking for some more sponsors. I am here tonight to ask for your support from the Board of Mayor and Aldermen and hope that you can spread the word about our Charity Fest. We are also in need of volunteers to work that day both manning some of the entrances as well as a variety of events that are going on for the families. Volunteers are greatly needed and appreciated. Any donations or assistance with our overhead costs would also be appreciated. Children's charities throughout Manchester will benefit from this day and also hopefully the Gulf coast will also benefit from your support. If anybody needs any further information I'd be happy to answer any questions. All of the information can be found on our website that we've put together or they can call me directly at the microbrewery.

Mayor Baines asked are there any questions for Christine.

Alderman Forest asked could you mention the website and the phone number.

Ms. Pariseau-Telge replied sure. Our phone number is 625-4444...you can ask for Christine or you can ask for Peter...our website is millystavern.com and you'll see a link to our Charity Fest...our sponsors are listed there, the days events are listed there...all of our charities do have a spot on our web page too so you can see a little bit more about the charities and who will benefit from the day's events.

Mayor Baines stated on behalf of the Board of Mayor and Aldermen I'd like to thank you and Peter for always being there for all of these great charities in our community and I look forward to sharing that day with you as well.

Ms. Pariseau-Telge stated thank you. Hope to see you all on the twenty-fourth.

6. Update and 6-month comparison of the number of daily visits over the prior year of 2004 of the William B. Cashin Senior Activity Center's first year submitted by Barbara Vigneault, Elderly Services Director.

Mayor Baines called upon Barbara Vigneault to give a 6-month update about the attendance and participation at the William B. Cashin Senior Activity Center. You're going to be absolutely amazed at the number of people that are attending the center and again congratulations to Barbara and Claire and the entire staff for making that a welcoming venue for all of our citizens.

Ms. Barbara Vigneault, Elderly Services Director, stated I just wanted to publicly again thank the Board of Mayor and Aldermen for allowing the Senior Center to happen for the seniors in Manchester. Many of the people are able to enjoy the multi-programming that we have and our numbers have increased dramatically and that's a lot because of the many opportunities that they have that are so various now and it's multi-faceted so they're able to take advantage of programs that they couldn't have before and it also allows agencies to come in and network and to offer services they have to seniors. So, what is also very important is that the seniors offer each other support and as the letter states 85% of care comes from the informal network of services...of family and friends...and that social support is so important for seniors and as we age sometimes our networking gets a little small and family move away, there are a lot of losses and that gives us the opportunity at the Senior Center to interact and to give each other that little support they need to get through each day. So, I'd like to bring your attention a little bit to the numbers so that you can see that the increases are pretty impressive. We've almost doubled in everything we're doing and that is a great value to the seniors and it's also contributed to the seniors owning the Senior Center themselves. Many of them volunteer and help out and they take great pride in

how it's operated. The Elderly Services Commission needs to be thanked because they have worked hard monthly to help with advice and advocacy for seniors and that continues to go on. Our Chairman Jeff Bolduc is here and I want to thank Jeff for leading the Commission as Chairman and to spur on the advancements that we're making. It's really encouraging. I'd also like to add that we are having a fund raiser and of course it's on-going...our goal is \$500,000 and we're up to \$378,000 and we're going to be having a golf tournament on September 12<sup>th</sup> and we're asking that people who do play golf join us that day...of course, there is going to be plenty of sunshine like there was for the last two golf tournaments...it goes off rain or shine...registration is at 7 AM and tee off is at 8 AM sharp and will be at the Derryfield Country Club and we'd appreciate it if people in the community could take advantage of that. They can contact myself at 624-6533 and we'd ask the community if there are businesses or people who would like to have sponsorship of holes...\$100...and we'd appreciate that support from the public...the businesses have been tremendously helpful and are proud to donate to such a great cause.

Mayor Baines asked are there any questions for Barbara. There were none. There are three members of the Board including myself who are on this committee...George Smith, Mike Lopez and Paul Porter and Armand Forest...how many persons are we up to now?

Alderman Lopez replied 24 that's paid and we're waiting for the others...we should have about 40.

Mayor Baines stated I think it should be a great day and WGIR is going to be there in the morning to draw further attention to the goal of raising that money for the Senior Center.

Alderman Porter asked is it my understanding that you'll be teeing off the first ball.

Mayor Baines replied yes that is correct.

Alderman Porter stated so I assume that will get everybody from the city up there to see it.

Alderman Gatsas stated I was wondering if this Board could possibly ask...I notice that we're doing a couple of changes in your changing the name from Elderly Services to Senior Services. I got a call the other night from a constituent that has a parent in the adult day care facility at Elliot Hospital and that is being closed and moved to the Arbors in Bedford and my understanding is that they are in the process of putting one or there is one at the Easter Seals building on Auburn Street. I think that it's imperative that we're changing...obviously, the formation of this department and we should start talking about the adult day care because my understanding is that in a city of this size there are only 40 people participating and I'm a little shocked because being the largest city in the state...the funds that we allocate at the state level certainly don't show that there are only 40 people in adult day care so I think that it's imperative that we start finding an opportunity to where the



adults that need some assistance but aren't really to the point of full assistance as I know that the program that was at Auburn Street and still continues.

Mayor Baines stated my mother is one that used to be at the Gallen Apartments...do they still have that?

Ms. Vigneault replied no they don't. It was a social adult day care at the Gallen Apartments. There are two models...one's a medical model and one's a social model and that was the social model. The one at the Elliot is going to be moving those people to the Arbors and I believe there is about 40 people involved and Easter Seals was going to pick up those people who did not want to go to the Arbors at Easter Seals.

Alderman Gatsas asked is there anyway, your Honor, we can put a committee together to look at this because I think it's going to be a growing problem and we need to address it.

Mayor Baines stated I would ask the Commission to start looking at that and see if there's some opportunity for us. And, we'll bring some other professionals in to be a part of it.

Alderman Shea stated I think Barbara would note that when we went to Chelmsford, Massachusetts they did have a date here for these people and they had services for them. If you recall that worked out quite well there. It probably is incumbent upon us and I think Alderman Gatsas is really to be commended for mentioning that that we really do have a responsibility to our seniors and to the people who try to care for them to give them a little bit of help. So, I think it's a worthwhile endeavor on our part.

Mayor Baines stated that's something we can look at some partnerships with...organizations that do that type of programming. I appreciate it as well and thank you Barbara for a great year and many more to come.

**5. Discussion with Heritage United Way regarding request for use of City Seal on community needs assessment.**

Alderman DeVries stated I might be able to address that. I think you have before you a handout that was given to you before the meeting. It is showing you not only the request but it also shows you what the utilization of the City Seal would be. The request being that they are allowed to use the City Seal on a community impact study...that's a needs assessment piece but a little bit more complicated fashion...you'll see on the second page the Boston Indicators project which is indicative of what the website will look like. It will be an on-going needs assessment. Since this is an on-going project what they would like to do and there will be a report generated at the end of the needs assessment...what they'd like to do is have our permission to use the City Seal on this website for approximately the year...they

can come back to this Board, they will give the presentation of their final report and ask since the website will continue to show progress they can ask for the repeated permission to continue the use of the City Seal. Unless there is more detailed information needed from the United Way representatives that are certainly here I make the motion approving the use of the City Seal both on the website and on the report that will be generated with renewal by December of 2006 before this Board.

Alderman Lopez duly seconded the motion.

Alderman Roy stated I think the United Way is such a great organization that a lot of us will be in full support of this. My only comment is could we also add or have Information Systems add a link from the City of Manchester website to the Heritage United Way website during this trial period.

Alderman DeVries stated I'm seeing a nod, absolutely.

Alderman Gatsas asked if someone could give some clarification as to why the City Seal is so important to this project.

Alderman DeVries stated actually Linette Handschumaker would like to maybe address that.

Ms. Linette Handschumaker, Director of Community Building and Investment at Heritage United Way stated everybody else was asking for money I figured at this point in the night there was nothing left so I asked for the City Seal instead. But, thank you for having us this evening. We are asking for the endorsement of the city more as a public recognition of the on-going project as a major community research project but a joint effort. We not only have working with us members of the business community but representatives from the government...Fred Rusczek is a member of our Steering Committee on this project and we have folks from education in the community that are part of the process and it really speaks to what we consider to be a needs assessment around health and human service needs in communities and fundamentally what are the most important indicators that we need to keep an eye on in our community, how do we track them, where do we go once we have some basic data analyzed and then from there how do we measure where we're moving the needle relative to certain needs. So, by copying sort of what the Boston Indicators project looks like we decided to come to the City of Manchester for the seal because it sort of represents...shows some clout behind the project, if you will, and although we don't have any physical results to show you in the form of a website at this time the Applied Research Center from Southern NH University which is our major partner in this project will make sure that what you see in the Boston Indicators project is what will result in our community indicators project.

Alderman Gatsas asked does this in any way using the seal when you're talking to people that are in projects in the city...does that kind of open up the door or is that what this is for? I guess I'm trying to figure out why the seal is such an advocate of the project when we are trying to collect information.

Ms. Handschumaker stated because it's going to be information that everyone can use primarily. I can give you an example of a living breathing project right now and that is the collaboration that we've just established with the Planning and Economic Development office, Heritage United Way and the Applied Research Center at Southern NH University are going to work together to produce the 10-year plan to end homelessness...that's an example of what a living, breathing needs assessment can give you and that would be a finding that would then be featured on this website. So, as time goes on and as we analyze data that is coming out of existing resources right now we'll be able to then have conversations which is the next step in the process next spring...community forums...to talk about where we as a community do we want to plan to put our resources and/or target some of our needs areas. So, rather than having a needs assessment that's a report that gets stuck on a shelf this is more organic in the form of the website.

Alderman Shea stated there are other communities involved in the United Way aren't there?

Ms. Handschumaker replied there are.

Alderman Shea asked are you just looking for the Manchester seal or are you looking for these other outlying communities that might be benefiting from this?

Ms. Handschumaker replied we have actually received the seal from the Town of Derry, they are the second largest community in our service area so their seal will also be featured on the indicators project. We're not looking for a large number of "public" support or sponsors at this time but some of the key folks that we will be doing a lot of work with. Derry is the other one right now.

Alderman Shea stated my follow-up is that you will be receiving their cooperation.

Ms. Handschumaker stated that's correct.

Alderman Guinta asked have you asked for the State Seal?

Ms. Handschumaker replied no it's not a state project at this time so we've not asked for the State Seal. It's feasible down the road that we could expand into a much larger project but right now we're focused on Heritage United Way and our service area.

Mayor Baines called for a vote on the motion. The motion carried with Alderman DeVries duly recorded as abstaining. Tom I want to thank you for assuming this temporary position to lead United Way at this critical time and wish you all the best.

15. Mayor Baines recommends the City of Manchester make a civic contribution to assist Easter Seals in flood related repairs to their facility.

Mayor Baines stated I would like to make a recommendation and will ask Mike Reed to come forward. As many of you are aware Easter Seals went through a major catastrophe recently...one of those hundred years storms that Frank Thomas said the last time he remembers 103 years ago I think he told me...which caused extensive damage to the Easter Seals facility and we've been working with Easter Seals on some of their activities to raise money in the community and I'll make a recommendation...I've been talking to some of the Aldermen and my recommendation is that we make a contribution of \$3,000 from civic contributions to help with some of the various programs that were lost during that event...I know that Mike the Executive Director made a request of the City and hopefully this will help if approved by the Aldermen this evening.

Mr. Reed stated thank you, Mayor and I'd like to thank the Board of Mayor and Aldermen for considering this request. As you know we sustained major damage in a flood on June 29<sup>th</sup>. We're maybe 50% back to normal at this point. We feel we're going to need at least \$300,000 to \$500,000...to date we have about \$130,000 raised so anything that the City can do for us would be appreciated.

Alderman Thibault moved to contribution \$3,000 from civic contributions to Easter Seals. Alderman Shea duly seconded the motion.

Alderman Roy stated as Mike and Vice-President McMann know I must abstain from this conversation but as always they have my undying support and thank you for what you do in the community.

Mayor Baines called for a vote on the motion. The motion carried with Alderman Roy duly recorded as abstaining.

### **CONSENT AGENDA**

Mayor Baines advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

**Approve under supervision of the Department of Highways**

- D.** PSNH Pole Petition #11-1077 located on Union Street;  
PSNH Pole Petition #11-1078 located on Lake Shore and Candia Roads;  
PSNH Pole Petition #11-1079 located on Candia Road;  
PSNH Pole Petition #11-1080 located on Massabesic Street; and  
PSNH Pole Petition #11-1081 located on Brown Avenue.

**Informational – to be Received and Filed**

- E.** Minutes of the Mayor’s Utility Coordinating Committee meetings held on  
July 20, 2005 and August 17, 2005.

**REFERRALS TO COMMITTEES**

**COMMITTEE ON BILLS ON SECOND READING**

- G.** Ordinances:

“An Ordinance amending the Ordinances of the City of Manchester by adding  
a new Section 32.104 Department of Senior Services.”

“An Ordinance amending the Ordinances of the City of Manchester by  
amending Sections 32.105, 32.106, 32.107, 32.108, 32.109 and 32.110  
substituting language of ‘Senior’ for ‘Elderly’.”

**REPORTS OF COMMITTEES**

**COMMITTEE ON BILLS ON SECOND READING**

- H.** Recommending that Ordinances:

“Amending Chapter 30: City Officials and Employees of the Code of  
Ordinances of the City of Manchester by adding §30.49 Office of Independent  
City Auditor and §30.50 Duties of Independent City Auditor.”

“Amending Sections 36.15 Issuance of Warrant for Collection; Notice to City  
Auditor and 36.17 Abatement Before Payment of the Code of Ordinances of  
the City of Manchester by replacing the term City Auditor with the term  
Independent City Auditor and Finance Officer.”

“Amending Section 36.16 Records and Reports of Abatements, 36.18  
Abatement After Payment, and 36.35 Special Account for Taxes and  
Assessments of the Code of Ordinances of the City of Manchester by replacing  
the term City Auditor with the term Finance Officer.”

ought to pass.  
(Unanimous vote)

- I.** Recommending that Ordinance:

“Amending Chapter 32, Conservation Commission, Section 32.092  
Composition; Terms, of the Code of Ordinances of the City of Manchester.”

ought to pass.  
(Unanimous vote)

- J.**     Recommending that Ordinance:  
          “Amending Section 33.025 (Community Health Nurse) of the Code of Ordinances of the City of Manchester.”  
ought to pass.  
*(Unanimous vote)*
- K.**     Recommending that Ordinance:  
          “Amending the Code of Ordinances of the City of Manchester by adding a new Chapter 54: Storm Water to Title V: Public Works.”  
ought to pass, and further that the ordinance be referred to a public hearing to be held on Monday, September 26 at 5:30 PM in the Aldermanic Chambers.  
*(Unanimous vote)*
- L.**     Recommending that Ordinance:  
          “Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by amending Section 70.40 Towing by increasing the towing fees.”  
ought to pass.  
*(Unanimous vote)*
- M.**     Recommending that Ordinance:  
          “Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations.”  
ought to pass and layover.  
*(Unanimous vote)*
- N.**     Recommending that Ordinance:  
          “Amending Chapter 115: Solicitations, Sales, Peddlers, and Fairs of the Code of Ordinances of the City of Manchester by inserting new definitions and application requirements.”  
ought to pass.  
*(Unanimous vote)*
- O.**     Recommending that Ordinance:  
          “Authorizing the Mayor to Dispose of Certain Tax Deeded Property Known as West Haven Road, Map 0922/Lot 0039-A.”  
ought to pass.  
*(Unanimous vote)*

**COMMITTEE ON JOINT SCHOOL BUILDINGS**

- Q.**     Advising that they have approved adding football lockers to the Memorial High School locker room with funding to come from the furniture, fixtures and equipment line item for the project.  
*(Unanimous vote)*

**COMMITTEE ON LANDS AND BUILDINGS**

- U.**     Recommending that the Manchester Housing and Redevelopment Corporation be authorized to proceed with the acquisition of the Masters property located at 354 Hackett Hill Road at a negotiated price of \$275,000.00  
*(Unanimous vote)*

### **COMMITTEE ON TRAFFIC/PUBLIC SAFETY**

- V.** Recommending that a request from Intown Manchester to allow free parking downtown on Wednesday, September 14, 2005 from 4:30 PM until 8 PM for their Taste of Downtown event be approved.  
*(Unanimous vote)*
- W.** Advising that a request from Jane Beaulieu, Mill City Festival Director to place signs at the entrance to the City on I-293 south at the Amoskeag and Queen City Avenue exits, I-293 north at the Queen City Avenue and Granite Street exits, and on I-93 north and south exits at Hanover Street to announce the festival on September 10 & 11, 2005 has been granted and approved with the stipulation that For Manchester be responsible for the cost and erection of said signs and that it be under the direct supervision of the Highway Department.  
*(Unanimous vote)*
- Y.** Recommending that regulations governing standing, stopping, parking and operations of vehicles be adopted and put into effect when duly advertised and posted.

**HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O'NEIL, DULY SECONDED BY ALDERMAN SMITH, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.**

- A.** Poll conducted on August 17, 2005 approving changing time of the public hearing regarding a proposed amendment to the Manchester City Charter resulting for a voter petition initiative scheduled for September 6, 2005 from 5:00 PM to 5:30 PM.  
*(Aldermen Roy, Gatsas, Guinta, Sysyn, Osborne, Porter, Lopez, Shea, DeVries, Garrity, Smith, Thibault and Forest voted yea. Alderman O'Neil unavailable.)*
- B.** Poll conducted on n August 25, 2005 approving a leave of absence without pay and benefits for Francesco DiGirolamo, part-time security officer.  
*(Unanimous vote)*
- C.** Poll conducted on August 29, 2005 approving a Special Primary Election on Tuesday, November 8, 2005 for the District 10 State Representative seat vacated by William K. Clayton.  
*(Unanimous vote)*
- 18.** Communication from Paul Martineau, Welfare Commissioner, requesting Board approval of an unpaid leave of absence for Patricia VanDenBerghe, such time already having been taken.

Alderman Lopez stated I would like to pull item 18 and place it with A, B and C which could have been a phone poll vote and move to ratify and confirm the polls conducted and include approval of Item 18. Alderman Smith duly seconded the motion.

Alderman Gatsas stated I believe there's another vacancy in Ward 3?

Mayor Baines called upon City Clerk Bernier.

City Clerk Bernier replied I have no knowledge of that.

Alderman Gatsas asked if there is do we have another meeting before we can get it into this position?

City Clerk Bernier asked are you talking about a state representative position?

Alderman Gatsas replied correct.

Mayor Baines asked could we do it at the October meeting?

City Clerk Bernier stated we'd have to poll the Board.

Mayor Baines stated so long as the Board would consent to a phone poll to deal with that issue if there is a vacancy and if Alderman Lopez would include that in his motion.

Alderman Lopez stated I will include that in my motion.

Mayor Baines called for a vote on the motion as amended. There being none opposed, the motion carried.

- F.** Minutes of the MTA Commission meetings held on June 28, 2005 and July 26, 2005 and the Financial and Ridership Reports for the months of June and July 2005.

Alderman Shea stated is perusing the MTA minutes if was quite pleased to note that they were able to save the city approximately \$38,000 that they would have had to pay for their insurance, so they're to be complimented for that because I think that that proves that the people that are at the MTA both the commission as well as Mr. Smith and others are working for the benefit of the citizenry and move to receive and file. Alderman O'Neil duly seconded the motion. There being none opposed, the motion carried.

Alderman Gatsas stated for correction, your Honor, when I saw District 10 it's actually Ward 3...that's fine, that's the seat I was talking about previously.

**Report of the Committee on Joint School Buildings**

- P.** Recommending that the City and School District seek reimbursement for damages that occurred at Central High School if it is found that said damage was due to the negligence of any third party subject to Board of Mayor and Aldermen and School Board approval.  
*(Unanimous vote)*

Alderman Gatsas stated, your Honor, I happened to hear some disturbing news this morning and I know that everybody certainly is looking at the damages that have happened at Central



High School and I understand that they've had some people come in and take a look at those damages and getting assessments on what's going forward. I think that there is something that will be going forward that's going to talk about those assessments and some of those assessments talk about not meeting the specs on the contracts...some of the other issues that are in there that I understand that people that are doing cleaning have no liability insurance that are in the buildings so I have some concerns that when we start talking about the damages that are in there...where we're really at with this project and I know that there's a committee that's looking at it but this full Board, I know, allocated \$105 million of taxpayer's money and maybe it's an opportunity that we as a full Board get some sort of update with the understanding that there is a committee that's on it but I would think that we should be at least brought forward to look at the status of what the damages are, whether the liability insurance is available to those people because we're talking about an awful big commitment here.

Mayor Baines stated what if we referred item P to the City Solicitor's office for a recommendation to the Board.

City Solicitor Clark stated this has already been discussed with the Committee on Joint School Buildings and it's a report of the committee coming to the Board here recommending that they're going to seek reimbursement. I think what Alderman Gatsas is asking is that someone from either the Public Works Department or maybe the Risk Management office come before this Board and give an update on where things stand.

Mayor Baines stated that sounds fair.

Alderman Gatsas stated and if we could have whatever professional data has been replied to, if we could have it submitted to the full Board so we can look at it.

Mayor Baines asked who will follow-up on it...the Clerk will follow-up on it.

Alderman Gatsas moved to accept, receive and adopt the report of the Committee on Joints School Buildings. Alderman DeVries duly seconded the motion.

Alderman Roy stated I have a question of Alderman Gatsas...are you asking for a report on the damages at that certain period or contract compliance throughout the \$105 million project?

Alderman Gatsas replied contract compliance...some of the things that happened with the problem that's there now, some of the people that are coming in and reporting I think we should, as a full Board...

Alderman Roy stated I just wanted clarification because that is where I thought you were going and I'm very happy you are.

Alderman Lopez stated I just wanted clarification too because sometimes a joint board...that it completely understand what the Aldermen are speaking about. I think there's an obligation of the joint board to look at these questions and to bring forward here...not the fact that they are in charge of the school buildings and we're not entitled to the information and Tom Clark I think we've discussed this before about the joint school buildings committee have authority over the Board of Mayor and Aldermen as far as running the program but I think the questions that we have should come forward.

Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

**Report of the Committee on Lands and Buildings**

- R.** Recommending that the attached policy regarding the private use of the former Portsmouth Branch Railroad Right-of-Way be approved.  
*(Aldermen Osborne, Porter and Thibault voted yea; Aldermen Roy and Gatsas voted nay.)*

Alderman Roy stated I pulled this off because I personally have some problems with it, the language of the policy I voted against it in committee. If I could have Steve Tellier come forward and while he's coming up...what has been passed is a significant policy with significant impacts here...the City and the people that live along the right-of-way with absolutely no fees attached or no way to pay for any compliance...that we would not be receiving a lot of fees under a different proposal I'm afraid this is going to create extra staff time so if Steve could talk about some of the impacts that we've spoken about I'd appreciate that.

Mr. Steve Tellier, Chairman of the Board of Assessors, stated this entailed a great deal of discussion...Planning Director, City Clerk's office, my office, City Solicitor's office...for the most part...there's been a general request by abutters of railroad property to use that property either for passive recreation, to beautify...for a myriad of different reasons...parking as one of the most aggressive needs that some of the abutters have, however, it's been my testimony in previous committees that we're opening up a Pandora's Box. Were it to be the will of the Board majority certainly we'll implement it in any way that they want, however, what you're being asked is that those that enjoy the benefit of having a property right next to that corridor, having the ability to enjoy that...now, there could be a fee because one of the things that came up with my colleague Steve Hamilton and state law were we to license for lease in some fashion...now, they may very well pay taxes on that...it has been our observation on that that any taxes paid on that corridor land would be negligible at best...we're not talking about a lot of land here...residual...however, what

we have here is a corridor that was granted to the City of Manchester for a defined use...that being passive recreation for the benefit of the public...bike path, pedestrian path...for that enjoyment. Some of the things that came up not only is the licensing issue going to put an additional burden on departments whichever department is in charge of that and the taxation of that would be additional little monies into general revenue but is it really worth the problems that may be enjoined out of this. You may have two abutters in a very densely populated area that are looking for parking, however, what about the multitude of properties that are right next door to them that have the same problem but they don't enjoy the benefit of being right next door. Right now, some people do beautify it, they keep it clean because to not do so would be an eyesore and it's been my understanding that if things crop up on those corridors(i.e., tires, barrels, some sort of debris) it gets picked up from time-to-time whether that be Highway or Parks and Recreation. These are different concerns we brought up at committee...there's been very mixed signals by the committee and by those who have participated in the process and I'm here to answer any specific questions with regard to the Assessor's involvement.

Alderman Roy stated perhaps a question of the Solicitor's office...with the land being licensed to possibly two different abutters and beautified overtime if 5 or 10 years down the road we want to go ahead and reopen this what type of Pandora's Box could we open up and are we taking back land that we have now walked about from now four, five or ten years.

City Solicitor Clark replied no...this is strictly a revocable license...the person applying for use of it. Those that can be canceled on I believe 30 days notice and they're taking it with the understanding the license will so state.

Alderman Gatsas asked, Steve, can you tell me how many feet are involved in...I'm sure you haven't done the research to find out what every abandoned piece of railroad track is and how much it is?

Mr. Tellier replied the general width of the corridor is approximately 40 feet. It could go as high as I think some areas that are 65 feet but generally around 40 to 50 feet and it's a couple of miles long...several miles I should say.

Alderman Gatsas stated when you say several...10, 15.

Mr. Tellier stated I really don't have that I didn't look that up. That wasn't a question I thought of.

Alderman Gatsas stated within a 50% range what do you think that would be for tax dollars to the City of Manchester.

Mr. Tellier stated I looked at one particular parcel...looking at about 25 feet by 100 feet...we looked at what their per square foot assessment right now...it was about \$4.16/square foot. So, if we applied that we'd be looking at about \$400/year for that one property. You might have hundreds you might have several dozen. When people are paying money out of their pocket if they don't realize the specific use I don't see that a great many would want to take money out of their pocket to pay for a license or to pay taxes unless in the instance that an apartment might need a little bigger yard for the kids to play or an apartment building that needs parking...those are the ones that have a specific use that it would be use dollars to them.

Alderman Gatsas stated the tax revenue to the city...if we called it just one mile and if there are 5, 280 running feet in a mile times \$4.00 that's probably somewhere in the vicinity of...excuse me, Alderman Porter, did you get it...\$20,000 a mile. I would say that that's probably something that would be worthwhile to the taxpayers of this city.

Mr. Tellier stated again I'm not here to try to disable the efforts I've gone on record to espouse the several different problems that I foresee just for the information of the Board just so that it doesn't come upon after the fact that's all.

Alderman DeVries stated my questions would probably be better directed toward Planning, Bob MacKenzie or City Solicitor Clark. Certainly, legally it is a revocable lease...that means that at any time the city can revoke or go back on the prior agreement but I think that every member of this Board realized that if we have allowed an apartment complex or some other entity to make useful gain out of the property it is going to be very difficult politically for us to then...especially if we are going to be charging them for that property through a license agreement...it's going to be very difficult for us to go back be it two years, five years or ten years and say we are now going to be finishing our Rails-to-Trails project in the city which we've already undertaken on the west side and now going down South Willow Street that's going to be very useful to have the connection that will go up to Auburn to the rest of the state like pedestrian pathways...that is the layout of that land. If we allow it to be used today if we have fees coming in on that today it's going to be very tough to develop that property. It's legally, technically...it's a revocable lease...politically that's going to be difficult for us to back out of. We're going to be giving up the state's intended use to allow that rail corridor to become a bike/pedestrian pathway. I have huge problems with that.

Alderman Lopez stated I think in reading what was passed by the committee...just to break it down let's say that Alderman Shea and I live next door to a railroad track...30 feet...and I want to clean up that area and I invest twenty or twenty-five thousand dollars...I'm willing to do that...when the application comes before the Committee on Lands and Buildings and my understanding in reading this is that they have to have a survey done and everything and probably in agreement with Alderman Shea that he has no objections unless Alderman Shea would say I need to park two cars after you get done there and I go along with it isn't this

sort of playing up the whole city...look up on Valley Street...I don't believe people are going to pay \$400 or whatever number you come up with and then put \$25,000 or \$35,000 into cleaning it up so that they can have parking or playgrounds or whatever the case may be...it's revocable what the City Solicitor said and that's what Lands and Buildings is saying...at least the majority of them. So, I'm just wondering isn't there value in cleaning up the city a little bit.

Mr. Tellier stated certainly as an Assessor clearly there was an impetus years ago, for example, in the center city where a lot of people bought a 2, 3 and 4-tenements...they're owner-occupied, you saw fences repaired, landscaping done and always when there is an ownership interest whether it's just leased or otherwise whenever there is an ownership interest there is usually beautification and a pride of ownership and cleanliness that comes with that. Again, we're not against it as an Assessor I'm just espousing all of the issues that come before us that we've discussed. So, whatever...I know the City Solicitor's office has spent a great deal of time to try to create a document that protects the city...I know Tom Arnold has spent a great deal of time so whatever the will of the Board is.

Alderman Lopez stated one last question for the City Solicitor and the Assessor's as well. There's no state law prohibiting us to do if we want to formalize a procedure like this and allow a person to clean up his particular area.

City Solicitor Clark replied if the Board wishes to adopt a policy where somebody can use city-owned property with a revocable license that's allowed. You can't transfer this property out without approval of the state because it came in with restrictions but you could allow somebody to use it under a revocable license which can be canceled anytime this Board wishes to.

Alderman Porter stated one issue only. As far as the assessment is concerned I wouldn't recommend doing anything where it all has to be assessed based on a lease and if we scratch the word lease but just allowed to use it would certainly be fair, if at all, to discharge a payment if you want to call it in lieu of taxes equal to what it would be if it were assessed...that would get it out of the liability of putting it on the tax rolls or having maps and lots assigned to it and getting involved with that. I question with whatever the amount of money is that the city is going to get and I think overall the headaches that we would be kind of asking for in the long run would be tremendous and I think the way it is now if people use it and aren't disturbing anybody and making it nicer let it go. If they do something that the city doesn't like we always have the authority to change it and I think that if a person goes ahead and puts a lot of money into something that they don't own they do it at their own peril and I guess we'd be asking for too many problems, I think, to get into any formalized lease, license or anything of that nature that has a period of time because at any given time as Alderman DeVries pointed out we could close it down if you will if something were built on there and we may need this for future use that we're not aware of today.

Alderman Thibault stated there may be some businesses what want to use this land for parking or things like that but regular people who are alongside this railroad track, regular houses are not going to want to spend money or try to lease that land from the city. I think in Lands and Buildings we decided (3 to 2) that we should leave it the way it is and that if the city comes in tomorrow and wants to take it over there's no problem with it because it's already ours. If they want to beautify it, let them but let's not make a ruling of any kind on it. Let's just let them use it and if we want it tomorrow we go and get it.

Alderman Shea stated the Parks and Recreation Department actually was given that land or at least overseeing that land as far as I know and as an Alderman I work closely with different constituents and that particular corridor. We can kick this around all night, your Honor, but let's have a roll call vote and get it up or down because basically.

Mayor Baines stated there are a couple of Aldermen that I acknowledged that I will allow to speak...Aldermen O'Neil then Alderman Gatsas.

Alderman O'Neil asked can somebody just give me the history...there must have been a particular situation that came up that started this whole thing. I haven't seen it in anything that I've read, so could somebody just give me the history...did this come from the private sector, did the city start this.

Mr. Tellier replied a very short history is there's a small number...I think there were two or three letters that were submitted to the Clerk's office asking for some agreement to utilize the land. I believe Luigi's on Valley Street was one and there was another on Valley Street that had an apartment building...wanted to beautify it for the benefit of the residents as a playground area...just grassing and that type of thing. So, there were a small number of letters that started this ball rolling.

Alderman Osborne stated in committee a lot of my colleagues have reiterated on just about everything that I said myself in committee. So, there's not much for me to say but I know...I think there's going to be more residential on this track than there is commercial, is that true, Mr. Tellier?

Mr. Tellier replied certainly more residential absolutely.

Alderman Osborne stated that's what I said in committee and moved to accept, receive and adopt the report of the Committee on Lands and Buildings. Alderman Thibault duly seconded the motion.

Alderman Gatsas asked, Mr. Tellier, can you tell me what a curb cut is worth to the City of Manchester to a piece of property?

Mr. Tellier replied no.

Alderman Gatsas asked how about Mr. Thomas? Rough idea.

Mayor Baines stated I don't see any takers to that question, Alderman Gatsas.

Alderman Gatsas asked does a curb cut have to be authorized by this Board or is it authorized by the Highway Department?

Mr. Kevin Sheppard, Deputy Public Works Director, replied Highway.

Alderman Gatsas stated the reason why I asked the question is because obviously there's a curb cut onto Valley Street that certainly is talking about this and from a commercial business that has already done it. So, again, if twenty or forty or fifty thousand dollars isn't a lot of money to the taxpayers we should remember that the next time we go through the budget process.

Alderman Osborne asked which policy are we voting on.

Mayor Baines replied item R the motion you just made.

Alderman Osborne stated that's with no fee, oh, okay.

Mayor Baines called for a vote on the motion. The motion carried with Aldermen Gatsas, Guinta, DeVries and Forest duly recorded in opposition.

**Report of the Committee on Lands and Buildings**

- S. Recommending that the Water Works Director be authorized to enter into an agreement with Anagnost Companies, Inc. and the Manchester Housing and Redevelopment Authority for the sale of 16+/- acres of property on Karatzas Avenue subject to the following conditions:
- 1) that the Committee and the Board of Mayor and Aldermen find the property surplus to City needs;
  - 2) that the Committee receive reports from Planning, Tax Collector and Assessors as provided by law;
  - 3) that the Committee and the Board of Mayor and Aldermen agree on the purchase price; and
  - 4) that the proposed disposition of property provides for workforce housing and just cause is found to sell same to the aforementioned parties as is consistent with law.

*(Aldermen Roy, Gatsas and Thibault voted yea; Aldermen Osborne and Porter voted nay.)*

Alderman Porter stated in the Committee on Lands and Buildings what came out of there was not a consensus to declare it surplus as one letter came back from Planning that the Committee on Lands and Buildings did approve it. I think there is a misunderstanding

because we did not declare it surplus...what came out of Lands and Buildings was that it was contingent to and subject to.

Mayor Baines stated Carol is going to clarify that for us, Alderman.

Deputy City Clerk Johnson stated the report does not declare the property surplus, it's saying that it has to go back to Lands and Buildings and be declared surplus...that was my understanding...that the Committee wanted it to go back to the Committee so that the Committee and the Board...it's recommending that it go forward and allow them to proceed subject to going back to the Committee and meeting all of the conditions set forth in the report.

Alderman Porter stated at this point that's really not what my concern is. I would like to address number (2) under item S.

Mayor Baines asked could we get this motion on the floor, please.

Alderman Roy moved to accept, receipt and adopt the second report of the Committee on Lands and Buildings. Alderman DeVries duly seconded the motion.

Alderman Porter stated what I would like to do under item (2) would be include...it says "the reports must go to Planning, Tax Collector and Assessors as provided by law"...I would like to add to that the Parks and Recreation Department and the School Department. I believe that the impact on the schools will be significant enough that we should definitely get their input. If Parks and Recreation has some use for it and need for it for parkland that's a possibility...we won't know that unless we ask. If the School Department may have a need for it for additional building or land for school building we won't know that until we ask, so I would move that we add Parks and Recreation and the School Department in number (2) of item S.

Deputy City Clerk Johnson noted for the record that the reason it goes to Planning is Planning goes out to all of the departments not just Parks and Recreation but also Highway and every department in the city. They report into Planning and that's part of their report as I understand it and Bob could correct me if I'm wrong.

Mr. Robert MacKenzie, Director of Planning, stated we do not always go to every department...in this case we were aware that Highway Department had looked at it as a potential site but had determined it not appropriate. We had reviewed the site a number of years ago with the School Department and once before this parcel did come before the Board of Mayor and Aldermen for possible disposal and at the time I made a recommendation that perhaps it should be kept for potential school uses because at the time we were looking for a new middle school. We've since built that middle school McLaughlin in another part of the



city, so in this case I felt that that was not a future need for a school site. I did not, however, contact the School Department for that report.

Mayor Baines stated why don't you do that and also Parks and Recreation.

Alderman Porter stated I would like to definitely include because I think with all due respect to McLaughlin coming on-line that was several years ago and certainly it's possible that the needs of the School Department has changed and all I'm saying is I think it would not be prudent for us to proceed until we find out simply does the School have a need, if they don't then that's a different issue.

Mayor Baines stated the record will show that the Planning Director is requested to include that as part of his review.

Alderman DeVries stated a point of clarification...we also needed to delete the findings that the property was surplus.

Deputy City Clerk Johnson stated it does not find that the property is surplus. It's saying that they can go forward with an agreement subject to meeting those conditions in the future.

Mayor Baines called for a vote on the motion. The motion carried with Aldermen Osborne and Porter duly recorded in opposition.

Alderman Porter stated I oppose the part of entering into an agreement. I think it should go forward but not having an agreement with any one individual. We haven't shown...first of all, are we abiding by the ordinance that says public land shall be disposed of by public means.

**Report of the Committee on Lands and Buildings**

- T.** Recommending that the Board of Mayor and Aldermen approve a proposal from J P Sercel Associates, Inc. to acquire and develop the French Hall property at Hackett Hill for \$1.3 million and authorize the Manchester Housing and Redevelopment Corporation to move forward with the sale.

*(Aldermen Roy, Porter and Thibault voted yea; Aldermen Gatsas and Osborne voted nay.)*

Alderman Guinta stated I was curious as to the reason for the opposition of this moving forward in committee and this may then raise some other question.

Alderman O'Neil moved to accept, receive and adopt a third report of the Committee on Lands and Buildings. Alderman Garrity duly seconded the motion.

Alderman Gatsas stated the reason why I moved in opposition to this is because I don't believe we should as a Board be allowing part of money to start accumulating on sales of

properties out there without us having the discretion of how we're going to dictate the funds to be used. My understanding is from what I received from the Finance Officer says that there's a fund available...some of that money has been used by Parks and Recreation and some for schools and there's \$170,000 spent on the Master Plan and that was the original \$1.2 million roughly that was put into this account...that was in 1998. I think that...

Mayor Baines stated may I clarify that...we have researched that and that money does come from the city side.

Mr. Randy Sherman, Deputy Finance Officer, stated does all come to the city side and then the Aldermen determine how it's going to be spent.

Mayor Baines stated as opposed to what the thinking was when it was in committee that it went to the MHRA.

Alderman Gatsas stated it goes to a fund that's...

Mayor Baines stated it goes to a city fund controlled by the Board of Mayor and Aldermen.

Mr. Sherman stated those funds are held by the Aldermen.

Alderman Gatsas stated we allocated \$785,000 to go to them, correct, out of that fund.

Mr. Sherman replied that's correct.

Alderman Gatsas stated so the \$785,000 that we allocated to them...why did we allocate \$785,000?

Mr. MacKenzie replied the MHRA prepared a budget and submitted that to the Board for their review and that budget included items such as engineering work and monies for additional land acquisition.

Alderman Gatsas stated that was submitted when?

Alderman Lopez replied December 8, 2003 correspondence to us...at that time it was \$870,000 but it ended up shorter than that.

Alderman Gatsas stated so that was roughly 18 months ago.

Alderman Lopez stated I did a lot of research on this because I was concerned as well as the Alderman was whether the \$275,000 would come back to the City of Manchester but I think a good explanation from the Finance Officer...the fund exists and as you indicated there was

over \$1 million there and the argument that I had back in 2003 was if something came up can we use this money for other development and the answer was yes from the City Solicitor but the intent of the fund was established for finishing Hackett Hill over a 20-year period...the first phase, second phase and so on down the line...it's in this document that was provided to us. So, I think when the time came in CIP which is a CIP account I brought the fact up that we release the \$785,000 that we were legally obligated because the Board approved the plan to move forward with Hackett Hill and I also said I didn't want to give up the account. So, the fact would be that every time money would go in there, for example, when they sell French Hall that \$1.3 million would go into that account...that money would be there to continue the phases of development of Hackett Hill...understanding...the Board if something came up and this was a prolonged project 1, 2, 3 years and my line of thinking was that if something did come up and we needed \$100,000 or \$200,000 for some other type of development we could take money out of there as well as we did as you get this document from Mr. MacKenzie on Revision 1 where we transferred \$100,000 to School Recreation and \$150,000 to the Parks Improvement Program when we were doing CIP projects. The money cannot be used for police officers, operating budget from what I understand but I would like Randy to speak to that because I'm thinking he can line it out on that particular account.

Mr. Sherman stated when the city acquired French Hall the funding for the acquisition came from two sources...there were some federal dollars and there were bond proceeds that were used. When you buy a property like that and use those funds when you turn around and resell the property in essence you have those same funds back and you have to use them in the same fashion of which you originally used them for. In other words if you buy something from bond proceeds, turn around and sell that asset in essence the proceeds that you get from that sale are considered bond proceeds again and must be spent in that same manner. So, you can't take bond proceeds and run them through the operating fund.

Alderman Shea stated first of all I would like to compliment the Economic Development office and also the members of the Manchester Housing and Redevelopment Corporation and others for encouraging the development of this area and the more industries and commercial and industrial property we can bring into the city if we're for the taxpayers, your Honor, the less of a burden it will be on residential. If these people who are coming in and I compliment them for coming in and I thank them for coming in and if they want to expand and they're predicating their expansion on the cooperation that the City of Manchester and the Board of Aldermen is giving them we as a Board should not throw obstacles in their way by trying to divert money that should be devoted to that particular endeavor by trying to "add" personnel to different departments in our city when the true intent, the true intent your Honor of that particular money should be used for the development of that project and nothing else at this time. So, this Board should support that endeavor one hundred percent and thank the people willing to come forward paying \$1.3 million for that property, willing to spend money to expand and we shouldn't throw roadblocks in their way at this time.

Alderman Guinta stated maybe I didn't hear staff correctly. Some of the funds that were in the Hackett Hill acquisition/development account were used for other development projects in CIP accounts other than Hackett Hill, is that correct?

Mr. Sherman replied yes that's correct.

Alderman Guinta stated so Alderman Shea is saying that it should remain solely in the Hackett Hill account, is that what you're saying Alderman Shea?

Alderman Shea replied I'm saying that the money that we should use to develop that endeavor should stay within the context of that particular area and my understanding is that money that may have been diverted up until this time should not be diverted for that purpose, it should at this time stay with that particular project now that we have a member of industry...this particular individual or the company willing to come in. So, we should spend money that we now have for that specific development over there and not divert funds, that is what I'm saying.

Alderman Guinta stated I have some questions regarding the procedure after Brooks notified the city that they were no longer interested in this development. Did we go through a formal RFP process? I guess my question is what is the process outlined by MHRA and are we following it.

Mr. Ken Edwards, MHRA, replied once we were notified that Brooks didn't intend to go forward with the land disposition agreement that they had signed with us we immediately notified our broker. We have this property listed with C. B. Richard Ellis, Mike Harrington specifically has been marketing the property for us and we immediately notified him that the property was available again and he began a campaign to get the word out that the property was back on the market and we continued to show the property and consider proposals that we received for sale. Based on the criteria that we had established which was use, employment opportunities, investment in the property in terms of rehabilitation of the existing building and expansion and those were the criteria that we used to evaluate proposals. We presented those proposals to our Board of Commissioners, they made a selection, JPSA Associates, a laser production design company that is currently in Hollis in space that they've outgrown and we brought that recommendation to Lands and Buildings at their last meeting.

Alderman Guinta asked during that process do you also notify Lands and Buildings of the other applicants and reasons for rejection of those applicants?

Mr. Edwards replied we prepared a summary, which outlined the six (6) proposals that were considered, and the merits of each of those proposals based on the criteria that I just mentioned. But, the selection was made by our Board of Commissioners which is consistent

with the agreement that we have to market the property. It was our job to market the property, to select a developer and to submit that to the city for its concurrence.

Alderman Guinta stated so there was a four point use, employment opportunity, investment in the property and expansion. I'm just curious how does JPSA meet or exceed...which areas do they meet or exceed relative to the initial proposal received from Herrington?

Mr. Edwards replied their primary is their use because that was the only use that we had in the six proposals that was absolutely consistent with the objectives established development at the research park.

Alderman Guinta asked what about the other three?

Mr. Edward replied they were not consistent...there was one other company, a very small company currently in the Hesser Center on Sundial Avenue that had a use that would not have required either a conditional use or a variance to locate in the park.

Alderman Guinta stated so the fact that a variance request was part of the proposal essentially precluded Herrington because I believe they exceed JPSA in both employee opportunity, investment and the property expansion...three out of four. So the only thing that precluded them essentially was variance.

Mr. Edwards stated that had a lot to do with it. The quality of their employment opportunities was also a factor.

Alderman Guinta stated their quality was not...

Mr. Edwards stated they have a lot of part-time employees as opposed to full-time.

Alderman Guinta stated this says for JPSA it's 46...I thought Herrington full-time exceeded 160.

Mr. Edwards stated it did, absolutely. But, again, Herrington Catalogue did not meet the objectives that had been established for a research park. It's a warehouse/industrial use.

Alderman Guinta stated so the use trumped the other three which impact jobs, expansion and tax base.

Mr. Edwards stated this was an evaluation process that was weighed by a Board of Commissioners...five members of a Board of Commissioners...I can't speculate on exactly what led them to the conclusion. We pointed out the facts as they related to each of the

proposals received in that summary and they evaluated that information and they concluded that JPSA was the best proposal for that parcel.

Alderman Guinta stated when Lands and Buildings is voting on its recommendation to the full Board wouldn't it be reasonable to assume that the committee should have that information because it's pretty critical when I take a vote knowing how the criteria is weighted and how the Commission makes their determination based on these four criteria...these are pretty important criteria. Based on what you're saying now we're going to have less employee opportunity, less investment in the property and less expansion than at least one other proposal and I haven't even asked about the other three or four.

Mr. Paul Borek, Economic Development Director, stated a copy of the spreadsheet was included in the packet that was presented.

Alderman Guinta stated it's not in this one.

Mayor Baines stated it is and called upon Alderman Porter.

Alderman Porter stated I just wanted to make a brief comment. I think we have here a ready, willing and able buyer and I think if Alderman Gatsas' proposal has some merit that's fine as to where the money goes but I don't think that should be a contingency on this agreement. I think that MHRA has come forward with a viable buyer and I think that basically what we're asked to do tonight is to vote not on necessarily why we didn't select the others because I think that as long as we gave MHRA Commissioners the right to select and I have confidence that they have selected the right person I just think that we should consider whether we sell is to Mr. Sercel or not. As far as where the funds go after that will resolve itself.

Alderman Osborne stated I just wanted to let my colleagues know that in committee I think the big question was...Mr. Gatsas and myself...I think it's where the money was going. I have no problem with the progress of the situation here with JPSA it's just where was the money going. We were unclear because we had no counsel here...Mr. MacKenzie wasn't here to ask that question or anything else, so it's kind of hard to vote on something when you don't know what you're voting on as far as there's a question in there somewhere and I don't sleep nights unless I know. Probably almost like Mr. Gatsas over there. But anyway that's my reasoning. I'm not against the project. I don't want Alderman Shea to think that I'm trying to block it or anything it's just that I had nobody here for counsel to ask the question of where the money, how much of it or any of it or where it was going to the city.

Alderman Shea stated I don't mind how the Aldermen vote they can vote any way they want they're not blocking anything as far as I'm concerned. You have a free will and a free mind.

Alderman Gatsas stated some of the problems I have is that obviously there were six proposals that went to MHRA and I guess that in a great real estate market as we have right now it's okay to go through the process that you folks have gone because obviously Herrington has been sitting around since the Brooks offer and I would think that you may have negotiated with them in goodwill because you keep talking about a variance and I would certainly like to bring the Building Department up here because that's not the statements we had the last time they were before us. You're saying they needed a variance, they're saying that they were questioning whether they needed a variance...they haven't looked into it because the process that was there might have fallen in that gray area from what I remember of Mr. LaFreniere telling us the last time that the Brooks Property was before us. So, I think that in these economic times when real estate is moving and you see three offers, five offers where they're at and one above the price that we're not sending a very clear message that when we put something on the market we're not willing to participate other than waiting for offers to come to the table. What you don't show us here is the dates that these offers came in and how long you sat on any given one. So, I certainly would be curious even if this Board passes this to find out what the dates were on every one of these proposals that came before us.

Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

Alderman Guinta interjected I'm requesting a tabling motion on this item.

Mayor Baines stated it's already passed.

Alderman Guinta stated I asked it before you asked the question.

Mayor Baines stated, Alderman, with all due respect I said Alderman Gatsas because they had called for a vote over here, I let Alderman Gatsas speak and then the motion carries.

Alderman Guinta stated may I ask a question.

Mayor Baines replied yes, however, Alderman Forest first.

Alderman Forest stated I know Alderman Gatsas and Alderman Guinta have been talking about Herrington. After the Brooks deal...I don't want you mentioning any price deals or anything else but didn't Herrington back down on some of the things and the offer they had made originally on French Hall.

Mr. Edwards replied that's correct.

Alderman Gatsas interjected, your Honor, we're having discussion here and I thought we had a vote and I guess if Alderman Forest is privy to that information then I guess give me the dates on when these proposals came in.

Mayor Baines stated they will get that to you. Alderman Guinta proceed.

Alderman Guinta stated first I would like clarification on whether my tabling motion would still supercede the vote because I had asked it prior to the vote being taken.

Mayor Baines replied no, the answer is no.

City Solicitor Clark stated the Mayor makes the right rulings. Only if the Mayor recognizes the motion.

Mayor Baines stated I made it clear. They called for a vote over here and I said I have a couple more people and I said Alderman Gatsas will speak and we're going to take a vote. So, let's move forward now.

Alderman Guinta stated so do I have at least privilege to make a final statement on this particular issue.

Mayor Baines replied absolutely.

Alderman Guinta stated I object to this process. We've got one company and I'm not saying that JPSA is not an appropriate use for this general area but the Herrington proposal exceeds the median investment by \$2 million, it's exceeds the employees that would be brought to the City by over 100, it exceeds the square footage future development by 10,000. So, I think we need to start reviewing the procedures that the Development Authority is utilizing. The one issue that you're saying is most important is use yet jobs and tax base and future expansion seems to just have gone unnoticed and that troubles me particularly when we are in this crisis in the city that we're in with respect to our tax rate and our tax base and I'd like, as a follow-up later, I'd like to know what we're doing for each of these other companies who are interested in relocating to the city I'd like to know by weeks end what we're doing as a city to meet their accommodations.

Mayor Baines called up Mr. Paul Borek.

Mr. Borek replied we are working each of the companies to identify alternative locations within the city or expansion locations where they're presently located. I've made a couple of trips down to...



Alderman Guinta interjected where is Easter Seals going? They're going right next door...where's Herrington going? You're the Economic Development Office you don't know where Easter Seals going.

Mayor Baines stated hold on...I'm just going to interrupt one moment. Mr. Borek is working with each one of those companies and called upon Alderman Roy.

Alderman Roy stated I was privy to a lot of this discussion working with the Solicitor's office on a number of other issues regarding Hackett Hill but one of the things that I find very important in the Hackett Hill development and it doesn't matter if it's JP or one of the other companies or Herrington...we have a plan that we passed a year ago based on what we expect for the long-term growth of that area. So, use is a large factor and though on a spreadsheet other companies may look better or look worse the long-term growth and development plan that we passed last year is the most important document. Following commitments that we made on the environmental, following the commitments we made on growth in that area will help it succeed long-term, it's not about just today, it's about the future.

Mayor Baines stated they're here tonight...could you introduce them so that we could congratulate them.

Mr. Edward stated we have Jeff Sercel who is the President/CEO of JPSA Associates.

Mayor Baines stated Jeff could you just come up and make a couple of comments about your company and we'd like to welcome you to Manchester and we wish you success as you move forward with the purchase of this property.

Mr. Jeff Sercel stated I can appreciate the due diligence that this Board is doing in making a selection for this economic development in Manchester. We'd like to point out that we're a New Hampshire company and we manufacture products that are selling all over. Right now, we're exporting a lot of our products to various areas. These are high technology manufacturing products that are manufactured here in New Hampshire the type of jobs that are high tech, high quality, high paying jobs. Maybe Herrington Catalogue has more employees right now but our proposal includes adding more people, adding more manufacturing jobs. We have nothing against the catalogue company that's great but the catalogue company is distributing products that are made overseas in China and manufactured elsewhere. It's not easy manufacturing in a global market with the United States right now but we're doing everything we can to try to bring high technology jobs in the future to this state, this country and appreciate your vote of confidence.

Mayor Baines stated I would like to thank you for your confidence in Manchester and we look forward to working with you to help your business grow here in the City of Manchester, congratulations.

**Report of the Committee on Traffic/Public Safety**

- X. Recommending that the agreement between the City of Manchester and Central Parking for the operation of the Victory Garage be extended through December 31, 2005.

*(Unanimous vote)*

Alderman Gatsas stated, your Honor, I think you will remember that the Victory Garage has been hanging around for five years and for some reason we want to continue taking a situation, not a cost-effective way of running a business in the City of Manchester but we as a city continue to choose to do it. Now, I don't understand why we continue when we can't find a solution to a problem that should be simple. Your Honor, somewhere in here you need to step in here as the Mayor of this city because this discussion has gone on from a wintry day at, I believe, back when you and I were first elected and this was before.

Mayor Baines interjected actually I was in kindergarten.

Alderman Gatsas stated you might have been and probably weren't having to worry about walking across the river.

Mayor Baines stated I hear that.

Alderman Gatsas stated that's fine but this is an issue that's costing the City of Manchester money.

Mayor Baines asked would members of the committee like to address this issue? Alderman O'Neil...

Alderman O'Neil stated I'm not sure which committee you're talking about, your Honor, regarding Victory Garage. Victory Garage is not doom and gloom, it turns a positive cash flow every year and has so for a number of years. The other understanding is we've all been patiently waiting for the parking consultants report which will come out later this fall. I know they've looked at the operation of not only the metered places on streets but our lots and our garages and I'm optimistic they're going to come back with some recommendations where we can improve the operation of our parking services in this City, so I think there's misinformation out there that the Victory Garage is in the hole...it actually turns a positive cash flow at least the last three maybe even four years and some of that based on the fact we adjusted the rates and brought them up to market level. They were so far behind I believe it was six plus years maybe longer than that that where the rates had not been adjusted. So,

Victory Garage is doing okay. I think people only need to take a ride by there and see the activity that's there.

Alderman Shea stated Tom Lolicata's in the audience...Tom, would you come up and tell us how much it's benefiting the city to have the Victory Garage or if it's not.

Mr. Thomas Lolicata, Director of Traffic, stated with all of the garages that we've had over the past few years they've all had debt service. Right now, the Victory...debt service paid off...we've been making a profit for about the last year-and-a-half to two years. We've been holding off because of the study and I wanted to go forward with this just to carry us to the end of this year like we've been doing on going six months, eight months at a time, that's all.

Alderman Shea asked Tom could you elaborate for the people just coming in...the last year-and-a-half what's happened.

Mr. Lolicata stated after the debt service is paid off the Board of Aldermen over the past couple of years have raised the prices and Victory has been turning over a profit.

Alderman Shea asked how much of a profit?

Mr. Lolicata replied a couple of hundred thousand dollars.

Alderman Shea stated a couple of hundred thousand dollars that's not petty ante that's a lot of money.

Mr. Lolicata stated they're doing very good now that you're up to \$70.00 a month.

Alderman Shea stated so it has been turning a profit for the last year-and-a-half, right.

Mr. Lolicata stated the permits and dailies are very good.

Mayor Baines stated Tom your recommendation is to continue this until the parking study and address it after the parking study.

Mr. Lolicata stated that's correct.

Alderman Forest stated that's what I wanted to ask. I think one of the reasons that it was brought before the committee was the fact that we hadn't signed the contract with them since April. I think we've just been extending it and Tom just wanted to sign a contract till December 31<sup>st</sup> and not change the price or anything, it would stay the same other than we would have a liability.

Alderman Smith moved to accept, receive and adopt the report of the Committee on Traffic/Public Safety. Alderman Sysyn duly seconded the motion.

Alderman Gatsas asked, Mr. Lolicata, can you tell me how much is the management agreement changed in the last two years? In other words what is the hourly rate gone up because we're really basically at the whim of the management company. If they don't absorb any loss, if they have to pay \$15.00/hour for somebody...that comes back to the city. So, this isn't really your per se natural business agreement that somebody comes in and says I'll manage your garage for \$100 and their expenses are \$110 they absorb them. We just continue absorbing expenses at whatever rate they may be.

Mr. Lolicata stated they have kept the original management fee from \$1,045 for the past few years and that's been in our favor.

Alderman Gatsas asked what about the hourly expenses for employees?

Mr. Lolicata replied all of the expenses, of course, go through us, we're reimbursed and so far they haven't had a raise in the last four years and they've also cut down on their help. But, right now, they're working at a bare minimum. They're down to four or five employees who run that garage right now.

Alderman Gatsas stated so what you're saying to me is that the expense of that garage...the expense side, not the revenue because the revenue side has increased because the debt service has gone away and we've increased rates and you've gone to maybe 150% or 130% of the parking there. How much have you increased by, by what percentage?

Mr. Lolicata replied overall parking increased...

Alderman Gatsas asked are you over 100% of occupancy?

Mr. Lolicata replied over 100%, not quite. We're close to it though on a daily basis with the permits and everything else, yes.

Alderman Gatsas stated so the \$200,000 is not because of this boom but because debt service has gone away and the fees have gone up.

Mr. Lolicata stated the fees and the 700 or 800 people we're getting daily.

Mayor Baines called for a vote on the motion. The motion carried with Alderman Gatsas duly recorded in opposition.

8. Mayor Baines presented the following nomination:

**Board of Public Health:**

Carol A. Bednarowski to succeed Robert Christy, term to expire July 1, 2008.

Per rules of the Board the nomination will layover until the next Board meeting.

9. Confirmation of the nominations to the Police Commission as follows:  
Thomas J. Hammond to succeed James McDonald, Sr., term expiring  
September 15, 2008; and  
John Tenn to succeed himself, term to expire September 15, 2008.

On motion of Alderman Porter, duly seconded by Alderman Forest, it was voted to confirm the nominations to the Police Commission as presented.

10. Confirmation of the nominations to the Board of Recount as follows:  
Alderman William Shea to succeed himself, term to expire October 1, 2008;  
Peter McDonough to succeed himself, term to expire October 1, 2008; and  
Andre Martel to succeed himself, term to expire October 1, 2008.

On motion of Alderman Roy, duly seconded by Alderman Thibault, it was voted to confirm the nominations to the Board of Recount as presented.

11. Confirmation of the nominations to the Revolving Loan Fund as follows:  
Joseph G. Fremeau to succeed himself, term to expire August 1, 2008;  
Robert A. Greenwood to succeed himself, term to expire August 1, 2008;  
Peter R. Madden to succeed himself, term to expire August 1, 2008;  
James Bell to succeed himself, term to expire August 1, 2008;  
David B. Eaton to succeed himself, term to expire August 1, 2008; and  
Larry Allard to succeed Edward N. O'Brien, term to expire August 1, 2008.

On motion of Alderman DeVries, duly seconded by Alderman Shea, it was voted to confirm the nominations to the Revolving Loan Fund as presented.

On motion of Alderman Thibault, duly seconded by Alderman Roy, it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Baines recessed the meeting for five minutes.

Mayor Baines called the meeting back to order.

**OTHER BUSINESS**

14. Report(s) of the Committee on Finance, if available.

Deputy City Clerk Johnson advised that there was no report of the Committee on Finance.

- 16.** Actions, if any, regarding proposed amendment to the Manchester City Charter resulting from a voter petition initiative providing for the insertion of Section 6.15 Limitation on Budget Increases.  
*(Note: Related communication from State agencies advising that the proposed amendment cannot be placed on the ballot enclosed.)*

Alderman Shea stated that has to do with actions, if any, regarding proposed amendment to the Manchester City Charter resulting from a voter petition initiative providing for the insertion of Section 6.15 Limitation on Budget Increases and I'd like to make a statement, your Honor. Thank you, your Honor, for calling on me at this time. First, I would like to recognize all of the hard work that went into the effort by the petitioners to amend the City Charter with a spending cap and I think that there are still members here in the audience. However, it is unfortunate that the petitioners did not follow State Law, the State Constitution and our City Charter. It is my belief, your Honor that the Mayor and this Board have been fiscally responsible for the budgets that have been enacted. Our budgets have been held close to the rate of inflation and have met the basic obligations of the City of Manchester. Mr. Tom Clark, City Solicitor has indicated at a previous public hearing this evening that there are certain limitations regarding petitions that must conform to our City Charter, State Law and the State Constitution. The Aldermen would like the people of Manchester to decide this issue and when a referendum conforms to the law I am certain that this would receive the support of the Aldermanic Board. Your Honor, I move that the spending cap amendment be sent back to the petitioners for further action and that we take no action on a non-binding referendum to ensure that any new petition or referendum's comply with the State Law, State Constitution and our City Charter. I am also, your Honor, quite concerned about any unintended consequences that may result from any kind of non-binding referendum or any kind of referendum at this time as evidenced by what was declared this evening by Kevin Dillon from the Airport as well from what the City Solicitor has indicated.

Alderman Thibault duly seconded the motion.

Alderman Guinta stated I have a few questions. First, I'd like if I may a definition of an unintended consequence of a non-binding question?

Alderman Shea replied if you recall there was a discussion that happened I believe sometime last year when we had a discussion regarding changing the voting for the City Charter in terms of having it during a primary rather than a general election and at that time a committee held a meeting and what was discussed at that time was that if Manchester had adopted a particular formula or a particular vote whereby they would have voted for that particular adoption at a primary that would have impacted the entire state because that would be what we would call an unintended consequence...that was brought out at that meeting and

what I'm indicating as an unintended consequence at this time would be that as far as the Airport is concerned we do not know the implications of that particular vote. As far as a non-binding kind of referendum it would have absolutely no bearing at all upon any kind of situation. In other words, it would be what we would call in Latin is nonsequitor it does not follow to have something that has no kind of indication at all from it. So, my inference about an unintended consequence has to do first with having a referendum that doesn't follow state law. The second as far as unintended consequences doesn't apply necessarily to the non-binding that is a separate issue. But, if I mentioned that in the same context I didn't mean to do that.

Alderman Guinta stated thank you for that explanation. I think as a matter of public policy it's clear that at least 5,100 and what was it 3,500/3,600 verified registered voters do have an interest in this issue and I think generally speaking because we have been talking about it as a Board we seem to have an interest in the issue of spending. I think it is important to gauge the full public's expression relative to the spending habits of the city and I think one way you can accomplish that is through a non-binding question. So, it would not have any legal implication relative to the Board of Mayor and Aldermen's ability to spend or not spend but it would have, I think, a philosophical impact. I have prepared an amended version of the question to meet the primary concern that was identified in the joint opinion and...if the City Clerk's office could hand it out...I understand through the City Solicitor's office that we could put a non-binding amendment on the ballot this November and I'd make that request in the form of a amendment and I hope we at least have a discussion on the matter.

Mayor Baines stated my opinion is the amendment would be contrary to the main motion and would not be acceptable. The main motion is to do the opposite, so an amendment would not be an accepted amendment.

Alderman Forest stated for Tom Clark...I think at the beginning of this meeting you gave us an opinion about the amendment could not be altered by this Board...you'd have to go back to the petitioners...is that correct or am I wrong on that?

City Solicitor Clark replied prior to the public hearing I informed the Board that they could not amend the question that was before them for the public hearing, correct.

Alderman Gatsas stated from the City Clerk...are there any other non-binding referendums on the ballot this year?

City Clerk Bernier replied I think the only one is the Mayor's salary increase.

Alderman Gatsas stated so that's non-binding is there any consequence to that non-binding referendum?

City Clerk Bernier replied basically it's an opinion poll by the voters.

Alderman Gatsas stated so if we as a Board decided that...again, I don't have a position on the spending cap but I think that when people go out and do the work that we should have the ability or they should have the ability to make that choice...if it's non-binding it's non-binding just like the Mayor's salary and it sends a message that allows them to make their voices heard and certainly it's the opportunity, it's there, it's non-binding, there's nothing here and I think that Alderman Forest needs a clarification because we can put this on a non-binding and it has no effect from what the City Solicitor said because the only thing we couldn't alter is that we were looking to make it a binding referendum. So, I think to allow people to have their choice and to have their opportunity to speak and hear their voices I don't think there's anything wrong with that and again as I said if the Mayor's salary increase is a non-binding referendum and it's there then the people have an opportunity to take that vote one way or the other.

Alderman Shea stated I don't want people to think in their minds that the Aldermanic Board, at this time, is against the cap. But, you know something...if you don't do it right...get it right the first time...that's what people have said. What is a non-binding referendum going to prove...that people are in favor of a cap...it's not going to solve any problem at all. All the hard work that the people who want a cap...they're not going to get any results from it, they have to go back and do it right...that's what we're trying to tell you. If people in Manchester want a spending cap then they, the people that are petitioning for a spending cap have to do it right. So often we as a Board here say people come in here and they don't get it right. Why don't you come back and get it right. We keep referring to them. A non-binding type of referendum doesn't do one solitary thing. It doesn't help. Let's assume for the sake of discussion that 50% of the people say we want a cap and 40 whatever...well, 51 and 49...what does it prove...it's not going to do anything until the people come back the next time, get 3,500 signatures and do it right...that's what I'm trying to say. What is it going to prove...I'm asking through the Mayor, what it's going to prove?

Mayor Baines stated I am going to call for a vote...

Alderman Gatsas interjected I'd like to answer that response because I think he's asking a question. Thank you, your Honor. I think, Alderman Shea, you're right if it's 49/51 it probably doesn't prove anything but if it's 95/5 it proves a lot whether it's one way or the other. I agree with you because we had a non-binding referendum when we did the civic center. We didn't give the people an opportunity for a non-binding referendum when we did the baseball park. So, again, the people have an opportunity to speak...they should take that opportunity, we should allow it as a non-binding referendum and I'll call for a roll call, your Honor.

Alderman O'Neil stated a clarification of what's on the table, your Honor, for a motion.



Mayor Baines stated read the motion again, Alderman Shea.

Alderman O'Neil stated it's simple...Alderman Shea's motion is what's on the table.

Alderman Shea stated that's my motion.

A roll call vote was taken. Alderman Gatsas, Guinta, Osborne and Garrity voted nay. Alderman Sysyn, Porter, O'Neil, Lopez, Shea, DeVries, Smith, Thibault, Forest and Roy voted yea. The motion carried.

Alderman Osborne stated I just want to say one thing here. I think it gives us a good idea of what's going to happen next year.

Mayor Baines stated he hadn't said anything.

Alderman Guinta stated I have a procedural question, your Honor.

Mayor Baines asked what is the question?

Alderman Guinta stated if I wanted a vote on a non-binding referendum what would be the procedural issue, the procedural approach.

Mayor Baines stated there is none because the Board's already taken a position to not move forward with it. We could have another vote on a non-binding, correct?

Mayor Baines stated I'm going to have the motion read again.

Alderman Guinta stated I just wanted to finish the question, your Honor. Thank you. As I understood it...number 16...the flawed language identified by the Attorney General's report has been referred back to the petitioners. Is there any mechanism by which this Board could take a vote on whether different language that meets the joint opinion in a non-binding referendum?

Mayor Baines asked Alderman Shea would you read your motion again...I should have allowed for the whole motion to be read again.

Alderman Shea stated I moved that the spending cap amendment be sent back to the petitioners for further action and that we take no action on a non-binding referendum to insure that any new petitions or referendums comply with the State Law, the State Constitution and our City Charter...that's the ruling and I don't know exactly...we want the people to have a right to vote for a spending cap but we also want these people to be able to

present it in a way that will receive a vote either yes or no and to put a non-binding referendum while our Board is not a petitioner's one, it is not the petitioner's that are making it up, it's the Board of Mayor and Aldermen and I respect Alderman Guinta very much for his interest in this and Alderman Gatsas as well as Alderman Garrity and Alderman Osborne but the point of the matter is we are not in a position at this time to make a non-binding referendum for the benefit of petitioner's who may or may not agree with our non-binding referendum.

Mayor Baines stated we are moving onto number 17.

Alderman Gatsas interjected with all due respect...

Mayor Baines stated no we're moving onto number 17.

Alderman Gatsas interjected just a procedural question. We have an agenda before us. The agenda makes it very clear on items that we're voting on. I'm looking at number 16 and no where in item 16 does it talk about a non-binding...

Mayor Baines stated the Alderman made a motion.

Alderman Gatsas stated but the motions could be made from anything even though we have an agenda.

Mayor Baines stated a motion can be made by an Alderman, right.

Alderman Gatsas stated so Alderman Guinta can make a motion under new business...under new business he can bring it up.

Mayor Baines stated the Aldermen have already voted on it and they've stated their opinion on that and they've done it by vote.

- 17.** Communication from Kevin Clougherty, Finance Officer, seeking the Board's authorization to transfer an amount not to exceed \$10,000.00 from Contingency to the Manchester Economic Development Office to cover costs of an appraisal and any other expenses associated with the possible sale of the Center of New Hampshire Garage from the City to Louis N. Vinios of JPA Corporation, Real Estate Development and Management.

Alderman Shea moved to approve the request. Alderman Sysyn duly seconded the motion.

Alderman Shea stated if you recall at a meeting I had pressed the Finance office to get this done and four words would explain what I mean...the sooner, the better...the sooner we try to sell that property the better because it's a bottomless pit and I don't want anyone to deter

but we have been losing money on this particular garage and if this gentleman is willing to come forward and to purchase it I say the sooner, the better.

Alderman Lopez stated I'm in favor of this but I am not in favor of taking \$10,000 out of the contingency fund I would favor a friendly amendment to go to the AirPark fund and request that and I think Mr. MacKenzie can explain it.

Mr. MacKenzie stated yes it is my understanding that there is AirPark monies...there is some left and that it has to be used for economic development purposes and if that's the intent of the Board they could potentially use that money and would have to request those funds from the Manchester Housing and Redevelopment Authority.

Alderman Gatsas stated we haven't even discussed whether we're going to go forward with this.

Mayor Baines stated we're going to find out.

On motion of Alderman Lopez, duly seconded by Alderman Thibault, it was voted to amend the motion and request MHRA to use AirPark monies rather than contingency.

Mayor Baines stated now the discussion is just on the amendment, not the main motion. The money would come from the AirPark fund and not contingency. We're just going to vote on that, not the main motion.

Alderman Gatsas stated we had an appraisal done I want to say within two years. I guess I can't understand why we're doing an appraisal because we can look at the old one we had, values have increased considerably...maybe you ought to wait until somebody makes us an offer and Alderman Shea wants to talk about losing money in that garage, however, the turnstile is not going to go away from what we need to pay at the civic center...that \$2/car is going to continue and we're not going to have any money that's generated from it that's going to have to be paid because we now have some sort of revenue source that comes in and I don't disagree with them. I was in favor of selling these garages two years ago. So, this isn't about doing it as soon as possible because two years ago in my estimation was sooner than possible. So, at some point here somebody needs to tell us why we want to do an appraisal before somebody comes in with a price because maybe they come in with a million dollars and that's not a price acceptable.

Alderman Porter stated I think we're dealing with a unique situation in that the person who is leasing this has an option to purchase and without their concurrence we can't do anything so even if somebody came forward the Philopoulos' or Mr. Vinios would have an opportunity simply to say forget and just go on for the next 49 or 50 years the way it is.

Mayor Baines stated Mr. Sherman isn't that correct.

Mr. Sherman stated what I would like to add is we did put this parking garage out for sale back in January. We had maybe five or six interested parties but once they looked at the operating lease that was in place they found it too onerous to absorb that after an acquisition they all backed off especially when they knew again that J. P. A. did have a right of first refusal on it. So, again, what we're looking for is we'll update that appraisal and continue the discussions with the current lease holder.

Alderman Porter stated another thing is whatever the investment return would be on whatever the purchase price would amount to in addition to that putting the property on the tax rolls would offset any potential loss in revenues.

Alderman Garrity stated we just recently had an appraisal done 18 months ago, it's going to cost \$10,000 or nearly \$10,000 to update an 18-month old appraisal.

Mayor Baines stated they don't think it will be that much.

Alderman Garrity asked how much was the first appraisal?

Mr. Sherman stated my understanding is there's been some preliminary discussions and the price probably will be in the five to six thousand dollar range. Again, keeping in mind that the garage is two years older.

Alderman Garrity asked how much did we pay for the first appraisal...and that was for all three garages was it not?

Mr. Sherman replied I do not have that information...that was done by Mr. Taylor.

Mayor Baines stated yes I'm pretty sure it was for all three but no ones here to answer that...Jay's home sleeping.

Alderman Shea stated as far as the profit and loss how much money are we actually spending or losing at the present time with this garage?

Mr. Sherman replied you're losing a couple hundred thousand dollars a year over there.

Mayor Baines stated so the Victory Garage is supporting that garage.

Alderman Shea stated basically it would make more fiscal sense to get rid of this garage as soon as we can, is that correct, in your judgment...you're in the Finance office what do you think?

Mr. Sherman replied yeah I agreed a couple of years ago with Alderman Gatsas. I think it's time to move that parking structure into private hands.

Alderman Shea stated so we should act as expediently as possible to divest ourselves of this garage in your judgment.

Mr. Sherman stated yes.

Alderman Garrity stated Alderman Shea I don't disagree I just can't see a reason to pay \$10,000...up to an amount of \$10,000 for an appraisal when we just had an appraisal done on all three garages less than 18 months ago...that doesn't make fiscal sense.

Mayor Baines stated Alderman Porter could you comment on the cost of doing that.

Alderman Porter stated I think the cost, even though it's an update would be almost like starting from scratch because whoever does the appraisal is going to have to go out and dig up the same basic information and not necessarily trend it up. I think up to the \$10,000 I don't think would be unreasonable but I don't think it would run that. I think we're dealing here with that and including any other expenses that might be incurred and not just the appraisal.

Mayor Baines stated Mr. Tellier wants to speak.

Alderman Shea stated I just want to say that if we're losing up to \$200,000 a year I don't know how much that prorates but when we're talking about \$200,000 a year and we're talking about how much it's going to cost to make an appraisal of it I don't really think that that makes much sense to quibble over that.

Mr. Tellier stated I would agree and at risk of answering these questions...the last appraisal primarily looked at one approach to value and that was the income approach. I think the next discussion when the appraiser is deliberating with the city on the approach on how they're going to acquire a value not only will they look at the income approach but they would look at the cost approach and other factors that are affecting the sale, the ballpark wasn't there at the time...the success of the civic center wasn't as realized as it is today, so I think it's very safe to say that there would be a lot of other mitigating factors that would probably change that appraisal and from our experience and in working with the City Solicitor's office a range of around five to six is probably not unreasonable if it's the same appraiser who's working the original data.

Alderman Roy stated time-and-time again we do things when we're actually putting other things out to study. We have a consultant who we're paying thousands of dollars to come in

and look at our parking and here we are because of a simple request expediting out a sale of a garage...we should wait until we have the parking study in before we react to a request like this because this owner isn't going anywhere...I do realize that he has to get a 1031 exchange done by January 30<sup>th</sup> but again we're months away from getting good information on what this City's needs are, an assessment on pricing, an assessment on use...there's no reason why this garage should be any less profitable than the Victory Garage but we're willing to dump it just because we have one request and I'd like to wait to see the report come in.

Mayor Baines stated the request is from the person who has the option to buy it.

Alderman Roy stated I realize that.

Mayor Baines it's a request from the proper who owns the property that it's connected to, we have established by policy many times that we would negotiate and sell to the people who are abutting the property and are actually following the procedures that have been established by the Board and if that property is going to be maximized in terms of its potential it makes sense that the owner of that property would acquire the garage and help spur additional development on that site.

Alderman Roy stated so we're just months away from a report, your Honor, and I think it would be prudent to wait.

Mayor Baines stated I appreciate your concerns.

Mr. Sherman stated just to let you know we have spoken with the parking consultant on this, he was actually in on one telephone call that we had and he concurs that probably it's in the City's best interest to dispose of this facility.

Alderman Osborne asked how much was the appraisal 18 months ago? How much was the appraisal on that building?

Mr. Borek replied what I do know is that I have a proposal in-hand for \$6,000 for updating the proposal.

Mayor Baines stated it's going to be in that vicinity.

Alderman Lopez asked can we move the amendment, your Honor.

Mayor Baines called for a vote on the amendment and then we'll come back to the main motion one more time. There being none opposed, the motion carried.

Mayor Baines stated back to discussion on the main motion and called upon Alderman Guinta.

Alderman Guinta asked does the fact that this is 1031 exchange pushing the city into a more deliberate decision. I know what a 1031 exchange is but why?

City Solicitor Clark replied it's not pushing us into a more rapid decision we'd normally make it's just his time frame and we said it's enough time for us to consider, staff to consider and talk to him and come back to this full Board.

Alderman Guinta stated a 1031 exchange lapse, he could always get another 1031 exchange.

Mayor Baines stated he wants to work within this time frame and we understand it's a 4-month period.

Alderman Guinta stated I know but what Alderman Roy was saying earlier is let's wait until we get the full report which is a couple of months away. My concern is the fact that it's a 1031 exchange is pushing the Board to make this decision today.

Mayor Baines stated I think Mr. Sherman just answered the question...it's already been discussed with the consultant and the consultant does go along with selling the property.

Alderman Guinta stated I would like to see that in writing. We don't have the context of the report.

Mr. Sherman stated just keep in mind what we're trying to do is the appraisal up front, the report will be in in the next 30 to 45 days...much sooner than you're looking to make this transfer and you'll have both in front of you to make the decisions as you go forward.

Alderman Guinta stated let's assume he doesn't go forward with the other parcel in the 1031 exchange and we're out the \$10,000 or up to \$10,000 for the money that we're going to expend can we get it in writing that if we enter into this and he negates the 1031 exchange on the other side that we are paid back by JPA.

Mr. Sherman stated we can have that discussion with him. I don't believe to this point we have.

Alderman Guinta stated, Randy, you know what a 1031 is, right. He's got a certain time frame by which he can do a tax free exchange. So, he's getting something very significant in exchange for us to move this process along.

Mr. Sherman stated if his timing had been different by three to four months he would have actually probably put a bid in during the bid process that we held in January and February.

Alderman Guinta stated he didn't but he's doing it now. He's got a short window. I think that that's something that we as a Board...I'm happy to work with JPA. I actually think we should do that but I think that we should also cover ourselves particularly because he's asking for this in this specific period of time and it's because of the 1031 status.

Alderman Shea stated if we get an appraisal and this comes before this Board and we don't want to sell the property we can vote against it, your Honor, can't we? Plus in answer to one of the questions Steve Tellier came up and he indicated that the appraisal the last time did not include a value on the property. It included something other than the value of the property so in answer to Alderman Osborne's question and I don't think there was an appraisal for the amount of value that that property is worth.

Alderman Osborne stated that was my question the value.

Alderman Lopez stated I'm ready to vote for it. I think we keep throwing all of these monkey wrenches into it and in the end we have the final say so and if somebody wants to work with somebody out there, fine, let them work with them and work with the City Finance Officer but let's move forward and get the appraisal we're going to have to do it anyway.

Mayor Baines called for a vote on the main motion to approve the request as amended. The main motion to approve the request carried as amended.

- 19.** Communication from Attorney James Merrill, on behalf of Manchester Downtown Visions, LLC, submitting a petition to revoke consent granted to Langer Place, Inc. relative to a site plan previously submitted in April 2005.

Mayor Baines requested the City Solicitor advise the Board.

City Solicitor Clark stated this is a Planning Board jurisdiction. A similar petition has been filed with the Planning Board, however, this Board has no jurisdiction at all to grant this request.

Alderman Thibault voted to receive and file. Alderman Smith duly seconded the motion.

Alderman Guinta stated I just want to make sure how I understand the petition request. They're revoking a consent granted to Langer Place as a result of the fact that they can't come to an agreement relative to parking.



City Solicitor Clark stated the petition that is before you is that they wished to be allowed to revoke their consent to Downtown Visions to Mr. Langer's plans and as a result you void the granting of the site plan that the Planning Board has jurisdiction over. You have no jurisdiction in this Board.

Alderman Guinta stated I'm not asking if this Board has jurisdiction. I'm asking what the petitioner is asking and if I read it correctly I just wanted to get your legal opinion as to what he's asking. It looks like he's asking to revoke the site plan as result of the inability to come to an agreement relative to parking for the restaurant that's going to go in the riverfront development.

City Solicitor Clark stated if you boil it all down apparently the developer and the Langer's have not come to a firm agreement and he's now asking you to schedule a public hearing and revoke the site plan which you cannot do.

Alderman Guinta stated do you understand my concerns here. We do have an opportunity...while we don't have jurisdiction over this petitioner's request we have now a more thorough understanding or obligation of what we should do as a Board relative to meeting the Boneyard Restaurant's parking requests because there's a tax impact.

Mayor Baines stated actually we're meeting with Mr. O'Sullivan tomorrow morning to pursue discussions on that but this has nothing to do with that issue.

Alderman Guinta stated it sure does...it says it right in here...it says the Langer's refusal to deal in good faith imminently threatens the viability and long-term prospects of the riverfront development retail component.

Mayor Baines stated I don't think that's an issue with the Langer's that this Board should be getting involved with that's a private deal.

Alderman Guinta stated, your Honor, I know but I offered an opportunity in the Traffic Committee, which I'm sure you're aware of to try to resolve this issue with the retail development.

Mayor Baines stated as we have as well.

Mayor Baines called for a vote on the motion to receive and file. There being none opposed, the motion carried.

- 20.** Copy of a communication from Secretary of State, William M. Gardner, and Senior Assistant Attorney General, Orville B. Fitch, II, relative to the proposed Incompatibility of Office charter amendment.

Mayor Baines stated I will turn this over to Mr. Clark and then Ms. Johnson will have a revision for us to vote on.

City Solicitor Clark stated as with the other charter petition this amendment was forwarded to the appropriate state agencies. They reviewed it and had some concerns and in fact objected at first. Our office contacted the Attorney General's office as they requested us to in the letter. We pointed out to them that the language that they had an objection to was actually language that's already in our City Charter, it's not changing. They have since come back with an addendum to their letter asking that this Board amend the proposed charter amendment by including...by making it clear that it only applies to those elected offices for which the City of Manchester has jurisdiction. It does not apply to paid offices and town offices. I met with the City Clerk's office this afternoon and prepared a short amendment if that's the will of this Board.

Deputy City Clerk Johnson stated the motion would be to amend the proposed charter amendment pursuant to the recommendation of the Office of the Attorney General and the Secretary of State by amending Section 8.05 (b) by replacing Section 8.05 (b) with the following:

- (b) acceptance of the elected office of mayor, alderman, school committeeman or welfare commissioner by a city or by a school district employee shall result in termination of employment.

On motion of Alderman Forest moved to amend the proposed Charter Amendment pursuant to the recommendation of the Office of the Attorney General and the Secretary of State by amending Section 8.05 (b) by replacing Section 8.05 (b) with the following:

- (b) acceptance of the elected office of mayor, alderman, school committeeman or welfare commissioner by a city or by a school district employee shall result in termination of employment.

Alderman Lopez duly seconded the motion.

Alderman Lopez stated I think it's going to come up so I just want to ask Tom Clark where we have indicated that we can't make amendments...what makes the difference that we can do that on here since we don't have to have another public hearing.

City Solicitor Clark replied there are two separate processes set out in the statute. When the Board of Mayor and Aldermen acting or decide to recommend a Charter amendment after

public hearing it gets referred to the Secretary of State, Attorney General and Department of Revenue Administration...they come back and tell you whether or not they object or not. If they object they are supposed to tell you ways to correct it then the Board of Mayor and Aldermen by statute has the authority to make those corrections before it goes to ballot. Now, when you do a citizens petition initiative it's a different process. They submit a petition where they have a question outlined that is signed by various voters, a certain number has to be made...I think it's 20% of the prior general election...that then goes to the Attorney General's, Secretary of State and Department of Revenue Administration...if they object it can't go on the ballot. There's no mechanism provided by statute to allow this Board to amend a citizens petition and the Attorney General addresses that in his letter to you.

Alderman Forest stated I know that's part of my question as far as the amendment but the last amendment we made to this particular petition we had to have a public hearing because we amended it. Why are we not having a public hearing now because of another amendment to it?

City Solicitor Clark replied the way the statutory procedure is set out. The Attorney General if authorized to recommend a change, a clarification to make sure it meets language, it meets the state statutes. The amendment you're making now does not change the intent of the amendment or the way it's been applied by the City of Manchester since 1973 and the statutes specifically allows you to make that change based on his recommendation and put on the ballot.

Alderman Gatsas stated I have a real problem with the message that we're sending to the voters of this community. When because we are a little bit bigger and we can amend something because it's our amendment that we can allow those amendments without having a public hearing...that doesn't send and I understand what the Solicitor is going to say to me because that's what the RSA's say, but boy that is an awful thing to tell people out there that our voice is louder and clearer than theirs when we have somebody that's behind us and pay for the legalize to get it done I think that that's an awful thing to tell these people. I think that when you look at this and we make amendments today to put them on charter changes and we don't want to allow a non-binding referendum with some change of language that this Board could bring forward and allow the people of this community to have a vote. Your Honor, it just doesn't sound like the American way.

Alderman Guinta stated I would echo the comments made by Alderman Gatsas. I think that we have a certain responsibility...we're talking about the will of the amendment that we're now making and earlier we were talking about the will of the voters relative to an amendment and I think that the voters should have an opportunity to talk about this, to vote on this, I think they should have an opportunity to vote on a non-binding mayor's raise and I think they should have an opportunity to talk about the mayor's ability to spend and I'll bring

that up under separate cover, under new business to make sure that we do have at least a clear vote. Thank you.

Mayor Baines stated first of all the mayor has no authority to spend unless it's granted by the entire Board of Mayor and Aldermen.

Alderman Shea stated I don't want to beat this to date but let's clarify. Some of the things that we're amending we are the originators of these...we are the people that can amend things that we ourselves. When somebody else comes before the Board and they want a petition they are the initiators of it. So, I see no inconsistency in our reasoning. If we want to change something that we ourselves have voted on and decided on then we are the originators of it. So, to say that the American way is one way and then it's another way that's two different ways. In other words, I was elected as an Alderman and if I make a decision and I decide to amend it or I agree to it I am part of that originator of that particular ordinance or that particular bill. If somebody else comes before us and they have a petition then they are the originators...we should respect them. If we as a Board want to change somebody's petition because they themselves are the originators then we are not the originators of their petition, we are in fact originating their petition. So, I don't want to confuse people but there are two separate issues here.

Mayor Baines called upon Alderman Guinta.

Alderman Guinta stated, Alderman Shea, I appreciate that clarification. I'm not going to speak for the 5,100 petitioners because I can't possibly do that but I would suspect the 5,100 petitioners would not object since they have an alternative of no referendum question or a non-binding one...I'm going to err on the fact that I would assume they're okay with at least a non-binding one. The will of 5,100 petitioners was to have a question on the ballot. Because of technical issues that were addressed in a joint opinion which also include by the way ways to correct that language which I now have presented to this Board...I think we can make the decision as a Board to move forward with the will of those petitioners. We have that authority to do so just like we're amending the current question before us.

Mayor Baines called for a vote on the motion. The motion carried with Alderman Gatsas duly recorded in opposition.

## **21. NEW BUSINESS**

Deputy City Clerk Johnson stated there are a couple of reports of committees that were requested to be brought in from the Committee on Human Resources/Insurance.

Report of the Committee on Human Resources/Insurance was presented advising that it has approved Ordinance:

“Amending Sections 33.024, 33.025 & 33.026 (Destination Manchester Coordinator) of the Code of Ordinances of the City of Manchester.”  
providing for the establishment of a new class specification, Destination Manchester Coordinator, and is recommending same be referred to the Committee on Ills on Second Reading for technical review.  
(Unanimous vote)

Alderman Lopez moved to accept, receive and adopt the first report of the Committee on Human Resources/Insurance. Alderman DeVries duly seconded the motion.

Alderman Gatsas asked can I get a clarification of that, please?

Mayor Baines asked what is it you need?

Alderman Gatsas replied I don't know where she was reading from. Did we receive something?

Mayor Baines replied she was reading from a handout regarding the Destination Manchester position and the job description, etc.

Ms. Virginia Lamberton, Director of Human Resources, stated for years we've referred to a position here as Destination Manchester but in fact it was not classified that way and we need to correct that and look at it and make it a proper title.

Alderman Gatsas asked why would we do this if we are not planning on filling it?

Mayor Baines replied we are filling it.

Alderman Gatsas reiterated we are filling it. When do we plan on filling it?

Mayor Baines replied it's being advertised now as part of the whole structure of the department to fill Bill's position.

Alderman Gatsas asked what is this change in classification change the name to or change the rate of pay to?

Ms. Lamberton replied the rate of pay does not change at all. It's the same grade as it has been.

Alderman Gatsas stated, your Honor, we just hired an Economic Development Director...could we allow him courtesy to get his feet wet, find out what the City's all about, move forward and see if we need a number two person...and what is the wage base on this?

Ms. Lamberton replied it's a salary grade 21.

Alderman Gatsas asked which is how much?

Alderman Shea asked doesn't most of that salary come out of...

Mayor Baines stated it's already in the budget, it was in the budget that was passed by the Board of Mayor and Aldermen.

Alderman Gatsas stated yes that's because we had a person.

Alderman Shea asked isn't that paid through federal funds and so forth?

Mayor Baines replied it's paid for by CDBG funds, for the most part, yes.

Alderman Gatsas asked can I get my answer please...how much is it?

Ms. Lamberton replied certainly...it's \$47,540 is the minimum and it maxes out at \$67,781.

Alderman Gatsas asked what was the last person that we had in that position...what were they earning?

Ms. Lamberton replied he earned a little more than that because he had so many years of service, so he received longevity in addition to regular pay.

Alderman Gatsas asked how much of those funds are federal funds and how much are city funds?

Mayor Baines replied 80% federal right, Bob.

Mr. MacKenzie replied just about 80%.

Alderman Gatsas asked can we take those funds and pay the current Economic Development Director 80% of those funds in his position?

Mayor Baines stated I regret doing this but, Paul you're going to have to come up. We've discussed this and he feels this is a critical position for marketing in the city and we dealt with this during the budget process.

Mr. Borek stated since taking my position...

Alderman Gatsas asked can I first get my answer...can we use the federal funds?

Mayor Baines replied they would have to be in a restricted area, am I correct, Bob...federal funds.

Mr. MacKenzie stated I can't give you a clear answer on that. Normally, HUD (Housing and Urban Development) does not allow you to pay a normal department head position. The Destination Manchester Coordinator position was considered a specialized position just geared toward the downtown. I don't know if we could use HUD funds to pay for a normal director's position.

Mayor Baines stated that is why we have 20% in general funds. Mr. Borek please speak to this issue.

Mr. Borek stated since the Destination Manchester Coordinator left, since Bill left I have had an opportunity to look at some of the opportunities that we have before us to redevelop properties and promote the attributes of the city and proactively target businesses for the Northwest Business Park and other parts of the city and more intensively use the millyards in conjunction with parking plans, to work to follow up on the recommendations forthcoming from our Strategic Analysis downtown. I feel it's critical to fill the Destination Manchester Coordinator opposed to the Manchester Development Coordinator post to continue to progress with coordinating new development projects that we recruit and to help existing companies expand.

Alderman O'Neil stated we're going through this classification change, how can we be advertising for the job?

Mayor Baines replied because there's no change in the pay, it's the same pay. It was classified before in the Planning Department because Bill came out of the Planning Department and that's just part of the review process.

Alderman O'Neil stated so the only difference is the job title.

Mayor Baines replied that's correct.

Alderman O'Neil reiterated that's the only difference here.

Mayor Baines replied that's it nothing else.

Alderman O'Neil stated nothing else has changed...gone from a Planner III to...

Ms. Lamberton interjected that's not quite accurate. It's more reflective of the duties that are actually being done.

Alderman O'Neil stated again I ask the question. If we're going through a process of changing...which I'm not opposed to...how can we be advertising?

Mayor Baines stated because we put out a job description for the position.

Mayor Baines called for a vote on the motion to accept the first report of the Committee on Human Resources/Insurance. The motion carried with Aldermen Gatsas, Guinta, Porter and O'Neil duly recorded in opposition.

A second report of the Committee on Human Resources/Insurance was presented advising that it has approved Ordinance:  
"Amending Section 33.026 (WTP Operator Trainee) of the Code of Ordinances of the City of Manchester."  
providing for changes in class specification, which does not change the title of a position and does not provide for any changes in salary grade of such positions and is forwarding same to the Board for adoption.  
(Unanimous vote)

Alderman Thibault voted to accept, receive and adopt the second report of the Committee on Human Resources/Insurance. Alderman DeVries duly seconded the motion. There being none opposed, the motion carried.

On motion of Alderman Roy, duly seconded by Alderman Forest, it was voted that the Ordinance be read by title only, and it was so done.

"Amending Section 33.026 (WTP Operator Trainee) of the Code of Ordinances of the City of Manchester."

This Ordinance having had the approval of the Human Resources/Insurance Committee, Alderman Smith moved that the Ordinance pass and be Ordained. Alderman Sysyn duly seconded the motion. There being none opposed, the motion carried.

Alderman Garrity stated with the increased fuel costs almost doubling I'm sure that it's going to have a huge impact on our budget and I'd like to request that Facilities Division and Highway Department report to the next Finance Committee meeting to report on some conservation ideas. I do know that a lot of city employees take vehicles home...at \$3.00 a gallon I think it's going to have a huge impact.

Mayor Baines stated if you could just hold off on that. Alderman Thibault has been in twice over the last week as Chairman of the Special Committee on Energy Contracts and Related



Projects...we're in the process of gathering information from all of the departments impacted by the increase costs of fuel. The only thing we've locked in was the...Frank, would you come up here...and, we're gathering all of the information and it's going to go before the Energy Committee first.

Alderman Gatsas asked who's on the Committee, your Honor? Are these all new committee members since it's changed...they're all new committee members. I thought that's a standing committee.

Mayor Baines stated the question was who's on the committee. Alderman Thibault, Alderman Garrity and Alderman Forest.

Alderman Gatsas stated I remember that I was on that committee some six years ago. I don't know how it changed.

Alderman Lopez stated I think Alderman Garrity and myself are also on that committee as well.

Deputy City Clerk Johnson stated we will send something out to the Board.

Mayor Baines stated I hope you're still on it.

Alderman Gatsas stated I certainly am too.

Mayor Baines stated it's a special committee appointed by the Chairman of the Board. Frank, if you could talk just a little bit about what we've been talking about.

Mr. Frank Thomas, Public Works Direct, stated we have locked in a number for heating oil, however, all of the other bids don't come with a lock. It's basically the market rate plus an add on. We are in the process right now of compiling comparisons that we will be furnishing the Mayor's office and the Energy Committee. We have detailed information on what we have paid for fuel on the average in FY05, what we're paying now and we're going to make some assumptions potentially on increments of five and ten percent (5% & 10%) of increases moving forward. We know how much various types of fuel are used or consumed in the city so we're going to apply these increases to that consumption so that Alderman Thibault's committee will have an idea of some of the potential increases that we could be facing down the road. So, we are analyzing that in comparison to what we use throughout the city.

Mayor Baines stated I do want to believe some of the experts, some of the experts who are predicting that within 30 to 45 days prices should be back down to pre-Katrina levels. I don't know which expert it was but I was listening to the radio and he sounded like he knew and I wanted to believe him.

Alderman Garrity stated I'm not looking just for consumption...I'm looking for some conservation ideas...Buildings Services and Highway.

Alderman Thibault stated at the next Aldermanic meeting we should have report as to where we're at and what we have found out.

Alderman Smith stated I was just wondering...I know that the MTA has already signed a contract with the School Department, the school buses...I don't know what the situation is going to be but I think you should include the MTA.

Mayor Baines stated they will be involved in this discussion as well.

Alderman Guinta stated I just had three quick items. You mentioned there was a meeting tomorrow with the developers relative to the retail...as the Alderman from that ward is that something that an invitation was being sent to me.

Mayor Baines replied the conversation is going to be with Mr. Borek.

Alderman Guinta asked is there a meeting.

Mayor Baines replied I don't know if there's an actual meeting or not.

Alderman Guinta stated the second question I had is I wanted to make a motion...now, that we're under new business to take a vote on a non-binding referendum relative to the spending cap...I have handed out the language that appears to meet state requirements and I'd make that motion at this time.

Mayor Baines stated the Chair ruled that Alderman Shea thinks that that issue is settled.

Alderman Guinta stated okay let me try for something different. The final question I have and it's in the form of a motion...I'd like this Board to revote on having an approval for a city efficiency committee. I think given the fact that we do have exorbitant prices on home heating oil, on gas...the critical needs that we have in the Police Department I think it's incumbent upon the Board to identify efficiencies in the city so we can add more police officers. I'm asking for this Board to take a vote on that matter and I would ask also that the Board would authorize an additional four members, chosen by this BMA.

Mayor Baines stated that's another issue that's been settled by vote of the Board. Is there somebody who's changed their votes on the matter?

Alderman Guinta stated I'm asking for a revote.

Mayor Baines stated normally it's somebody that's changed their vote who voted contrary to that that would bring forth the motion...that's a settled issue.

Alderman Guinta stated under new business as an Alderman I can bring up any particular issue.

Mayor Baines called upon Alderman Porter.

Alderman Porter stated I just had a question. I know years ago and I think Alderman Shea had started this when I was a member of the Board of Assessors and there was a report that went, I think, it went quarterly to the Committee on Accounts and I spoke with Tom Nichols today who said they hadn't forwarded reports since January of 2004. I'd just like to ask has it been discontinued or is it something that just fell through the cracks. I think it was a good idea and as Alderman Shea, at the time had pointed out that it's just something that brings it to a committee that looks at it, it's for no other reason other than reporting and you can see the status of the abatement account and the tax base all in one shot.

Alderman Shea stated I'm no longer the Chairman but I defer to the Chairman of the Accounts Committee.

Mayor Baines called upon Alderman Smith.

Alderman Smith stated in response to your question, Mr. Porter, we have not received anything except when the taxes come and the abatements are presented but they are not in full, in their entirety. They have the outstanding abatements but they don't follow-up...we don't know who was paid say if there's someone down the Millyard we'll have that abatement but it's still in court, we don't get the final results.

Alderman Porter moved that the prior procedure which I felt even as an Assessor was helpful to the Assessor's as well as to the committee and the Aldermen ultimately to reinstate that quarterly report to the Committee on Accounts. Do you have any problems with that, Alderman Smith?

Alderman Smith replied I do not and the Assessor's will be coming before our committee this month.

Alderman Thibault duly seconded the motion.

Alderman Guinta asked does that mean that my motion is not being accepted by the Chair?

Mayor Baines replied all I said to you was that I thought that was a settled issue two meetings ago that that was brought up.

Alderman Guinta asked does that mean that you're not accepting my motion?

Mayor Baines stated if you want to move it we can have that whole discussion again I guess.

Alderman Guinta stated I'd just like to have the motion again.

Alderman Porter stated a point of order, Mayor. We had a motion made and seconded can we vote on that first.

Mayor Baines stated we'll deal with that motion and come back to discussion but also the Chairman of the Board is the only person that can appoint people to any special committee. The Board chose not to appoint a special committee because there was a lot of discussion that this is up to the Aldermen and the department heads to deal with this issue but we can discuss it another hour if we choose to but we'll do it after this.

Mayor Baines called for a vote on the motion to have the Board of Assessor's report to the Committee on Accounts quarterly. There being none opposed, the motion carried.

Alderman Lopez stated a couple of things. I was informed tonight that the Eastern League has approved the sale of the Fisher Cats so the Baseball Committee will meet on the twelfth or thirteenth...we will have to work out the schedule. It's a matter of procedure that we do meet and accept that and Tom Clark and others will be there at that meeting to explain it all and all Aldermen are invited to attend. I sit on the Quality Council along with Alderman DeVries and we're very happy to be providing a free lunch, a thank you to all the city employees on September 28<sup>th</sup>. All Aldermen received correspondence and I want to assure everybody that there's not a penny coming from city funds in buying hot dogs or anything like that and all the Aldermen are welcome to attend and have lunch. The only other thing, Alderman Guinta, if I may your Honor. You might have some good points and I think the Committee on Energy if you know of some ideas or efficiencies you think that are pertinent to what we're talking about...I only ask if you can make the committee meeting or present something to the Chairman...I assure you that as a member of the committee I will look at everything. Thank you.

Mayor Baines stated if you wish to make a motion please make it at this time.

Alderman Guinta asked would you allow me to make a motion.

Mayor Baines replied I just said make the motion at this time.

Alderman Guinta stated thank you. It wasn't clear before. I would like to have a request of a revote of this Board to establish the Manchester City Committee on Efficiency.

Mayor Baines stated the motion would be to reconsider the previous vote. Technically, Mr. Clark, that would be the motion.

City Solicitor Clark stated actually, your Honor, you could either do a reconsideration or you could allow to make a brand new motion.

Alderman Garrity duly seconded the motion. The motion failed on a voice vote.

There being no further business to come before the Board, on motion of Alderman Smith, duly seconded by Alderman Shea, it was voted to adjourn.

A True Record. Attest.

City Clerk